



# IOWA ADMINISTRATIVE BULLETIN

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NUMBER 9  
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## PREFACE

The Iowa Administrative Bulletin is published biweekly in pamphlet form pursuant to Iowa Code chapters 2B and 17A and contains Notices of Intended Action and rules adopted by state agencies.

It also contains Proclamations and Executive Orders of the Governor which are general and permanent in nature; Regulatory Analyses; effective date delays and objections filed by the Administrative Rules Review Committee; Agenda for monthly Administrative Rules Review Committee meetings; and other materials deemed fitting and proper by the Administrative Rules Review Committee.

The Bulletin may also contain public funds interest rates [12C.6]; workers' compensation rate filings [515A.6(7)]; usury rates [535.2(3)“a”]; agricultural credit corporation maximum loan rates [535.12]; and regional banking—notice of application and hearing [524.1905(2)].

**PLEASE NOTE:** *Italics* indicate new material added to existing rules; ~~strike-through letters~~ indicate deleted material.

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**REAL ESTATE COMMISSION[193E]**

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**CITATION of Administrative Rules**

The Iowa Administrative Code shall be cited as (agency identification number) IAC  
(chapter, rule, subrule, lettered paragraph, or numbered subparagraph).

- 441 IAC 79 (Chapter)
- 441 IAC 79.1(249A) (Rule)
- 441 IAC 79.1(1) (Subrule)
- 441 IAC 79.1(1)“a” (Paragraph)
- 441 IAC 79.1(1)“a”(1) (Subparagraph)

The Iowa Administrative Bulletin shall be cited as IAB (volume), (number), (publication  
date), (page number), (ARC number).

## Schedule for Rule Making 2005

NOTICE SUBMISSION DEADLINE	NOTICE PUB. DATE	HEARING OR COMMENTS 20 DAYS	FIRST POSSIBLE ADOPTION DATE 35 DAYS	ADOPTED FILING DEADLINE	ADOPTED PUB. DATE	FIRST POSSIBLE EFFECTIVE DATE	POSSIBLE EXPIRATION OF NOTICE 180 DAYS
Dec. 31 '04	Jan. 19 '05	Feb. 8 '05	Feb. 23 '05	Feb. 25 '05	Mar. 16 '05	Apr. 20 '05	July 18 '05
Jan. 14 '05	Feb. 2	Feb. 22	Mar. 9	Mar. 11	Mar. 30	May 4	Aug. 1
Jan. 28	Feb. 16	Mar. 8	Mar. 23	Mar. 25	Apr. 13	May 18	Aug. 15
Feb. 11	Mar. 2	Mar. 22	Apr. 6	Apr. 8	Apr. 27	June 1	Aug. 29
Feb. 25	Mar. 16	Apr. 5	Apr. 20	Apr. 22	May 11	June 15	Sept. 12
Mar. 11	Mar. 30	Apr. 19	May 4	May 6	May 25	June 29	Sept. 26
Mar. 25	Apr. 13	May 3	May 18	***May 18***	June 8	July 13	Oct. 10
Apr. 8	Apr. 27	May 17	June 1	June 3	June 22	July 27	Oct. 24
Apr. 22	May 11	May 31	June 15	June 17	July 6	Aug. 10	Nov. 7
May 6	May 25	June 14	June 29	***June 29***	July 20	Aug. 24	Nov. 21
***May 18***	June 8	June 28	July 13	July 15	Aug. 3	Sept. 7	Dec. 5
June 3	June 22	July 12	July 27	July 29	Aug. 17	Sept. 21	Dec. 19
June 17	July 6	July 26	Aug. 10	Aug. 12	Aug. 31	Oct. 5	Jan. 2 '06
***June 29***	July 20	Aug. 9	Aug. 24	***Aug. 24***	Sept. 14	Oct. 19	Jan. 16 '06
July 15	Aug. 3	Aug. 23	Sept. 7	Sept. 9	Sept. 28	Nov. 2	Jan. 30 '06
July 29	Aug. 17	Sept. 6	Sept. 21	Sept. 23	Oct. 12	Nov. 16	Feb. 13 '06
Aug. 12	Aug. 31	Sept. 20	Oct. 5	Oct. 7	Oct. 26	Nov. 30	Feb. 27 '06
***Aug. 24***	Sept. 14	Oct. 4	Oct. 19	Oct. 21	Nov. 9	Dec. 14	Mar. 13 '06
Sept. 9	Sept. 28	Oct. 18	Nov. 2	Nov. 4	Nov. 23	Dec. 28	Mar. 27 '06
Sept. 23	Oct. 12	Nov. 1	Nov. 16	***Nov. 16***	Dec. 7	Jan. 11 '06	Apr. 10 '06
Oct. 7	Oct. 26	Nov. 15	Nov. 30	Dec. 2	Dec. 21	Jan. 25 '06	Apr. 24 '06
Oct. 21	Nov. 9	Nov. 29	Dec. 14	***Dec. 14***	Jan. 4 '06	Feb. 8 '06	May 8 '06
Nov. 4	Nov. 23	Dec. 13	Dec. 28	Dec. 30	Jan. 18 '06	Feb. 22 '06	May 22 '06
***Nov. 16***	Dec. 7	Dec. 27	Jan. 11 '06	Jan. 13 '06	Feb. 1 '06	Mar. 8 '06	June 5 '06
Dec. 2	Dec. 21	Jan. 10 '06	Jan. 25 '06	Jan. 27 '06	Feb. 15 '06	Mar. 22 '06	June 19 '06
***Dec. 14***	Jan. 4 '06	Jan. 24 '06	Feb. 8 '06	Feb. 10 '06	Mar. 1 '06	Apr. 5 '06	July 3 '06
Dec. 30	Jan. 18 '06	Feb. 7 '06	Feb. 22 '06	Feb. 24 '06	Mar. 15 '06	Apr. 19 '06	July 17 '06

### PRINTING SCHEDULE FOR IAB

<u>ISSUE NUMBER</u>	<u>SUBMISSION DEADLINE</u>	<u>ISSUE DATE</u>
11	Friday, November 4, 2005	November 23, 2005
12	Wednesday, November 16, 2005	December 7, 2005
13	Friday, December 2, 2005	December 21, 2005

PLEASE NOTE:

Rules will not be accepted after **12 o'clock noon** on the Friday filing deadline days unless prior approval has been received from the Administrative Rules Coordinator's office.

If the filing deadline falls on a legal holiday, submissions made on the following Monday will be accepted.

\*\*\*Note change of filing deadline\*\*\*

## PUBLICATION PROCEDURES

TO: Administrative Rules Coordinators and Text Processors of State Agencies  
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SUBJECT: Publication of Rules in Iowa Administrative Bulletin

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The Administrative Rules Review Committee will hold its regular, statutory meeting on Tuesday, November 8, 2005, at 9 a.m. in Room 116, State Capitol, Des Moines, Iowa. The following rules will be reviewed:

#### ADMINISTRATIVE SERVICES DEPARTMENT[11]

Department organization and mission, 1.1, 1.4, Filed **ARC 4572B** ..... 10/12/05  
 Payroll deduction for tuition program contributions, adopt ch 45, Filed **ARC 4587B** ..... 10/26/05  
 Payroll deduction for additional insurance coverage, 46.6, 46.11, 46.14, Notice **ARC 4594B** ..... 10/26/05  
 Pay for increased credentials, 53.9(6), Notice **ARC 4589B** ..... 10/26/05  
 Vehicle fueling; vehicle procurement; bulk diesel fuel procurement,  
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#### AGRICULTURE AND LAND STEWARDSHIP DEPARTMENT[21]

Iowa-foaled horses and Iowa-whelped dogs—registration fees, 62.6, Filed **Emergency After Notice** **ARC 4559B** ..... 10/12/05

#### ARCHITECTURAL EXAMINING BOARD[193B]

Professional Licensing and Regulation Division[193]

COMMERCE DEPARTMENT[181]“umbrella”

Registration, 2.1, 2.5 to 2.9, Filed **ARC 4558B** ..... 10/12/05  
 Time period for completion of architect registration examination, 2.3(3), Filed **ARC 4557B** ..... 10/12/05

#### CAPITAL INVESTMENT BOARD, IOWA[123]

Tax credits for investments, 1.4, 2.2, 2.4, 2.5(2), 2.6, 2.8, 2.9, 3.3 to 3.5, 3.7, Filed **ARC 4602B** ..... 10/26/05

#### COLLEGE STUDENT AID COMMISSION[283]

EDUCATION DEPARTMENT[281]“umbrella”

Iowa work-study program, ch 18, Notice **ARC 4597B** ..... 10/26/05  
 Registered nurse recruitment program, adopt ch 34, Notice **ARC 4596B** ..... 10/26/05

#### ECONOMIC DEVELOPMENT, IOWA DEPARTMENT OF[261]

Iowa wine and beer promotion grant program, adopt ch 104, Notice **ARC 4583B** ..... 10/12/05

#### EDUCATIONAL EXAMINERS BOARD[282]

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#### ENVIRONMENTAL PROTECTION COMMISSION[567]

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Notice **ARC 4005B** Terminated **ARC 4563B** ..... 10/12/05

#### ETHICS AND CAMPAIGN DISCLOSURE BOARD, IOWA[351]

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#### HUMAN SERVICES DEPARTMENT[441]

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**IOWA FINANCE AUTHORITY[265]**

ECONOMIC DEVELOPMENT, IOWA DEPARTMENT OF[261]"umbrella"

- Entrepreneurs with disabilities program, adopt ch 25, Filed **ARC 4603B** ..... 10/26/05

**IOWA PUBLIC EMPLOYEES' RETIREMENT SYSTEM[495]**

- Performance review of chief investment officer; qualifications of public members of benefits advisory committee;  
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- Training requirements for law enforcement officers and jailers, 3.5(2)"n," 3.5(4)"a," 3.5(7)"k,"  
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**NATURAL RESOURCE COMMISSION[571]**

NATURAL RESOURCES DEPARTMENT[561]"umbrella"

- Whitetail hunting preserves, adopt ch 115, Notice **ARC 4586B**, also Filed Emergency **ARC 4585B** ..... 10/26/05

**PROFESSIONAL LICENSURE DIVISION[645]**

PUBLIC HEALTH DEPARTMENT[641]"umbrella"

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- Optometry examiners, 180.5(2), 183.2(25), 184.1, Notice **ARC 4599B** ..... 10/26/05
- Podiatry examiners, 220.9(2), 224.2(26), 225.1, Notice **ARC 4593B** ..... 10/26/05
- Athletic training examiners, 351.9(2), 354.1, Notice **ARC 4560B** ..... 10/12/05

**PUBLIC SAFETY DEPARTMENT[661]**

- Fire safety—alternate requirements, assembly occupancies, 5.16, 5.301, Filed Emergency After Notice **ARC 4600B** ..... 10/26/05
- Manufacture, storage, handling and use of explosive materials, rescind 5.850,  
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- Dispensing of motor vehicle fuel, 51.202(1), Filed Emergency After Notice **ARC 4577B** ..... 10/12/05

**REAL ESTATE COMMISSION[193E]**Professional Licensing and Regulation Division[193]  
COMMERCE DEPARTMENT[181]"umbrella"

- Prohibition of licensees' participation in certain arrangements with  
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- Carryover of emergency care leave for certain regent merit system employees, 3.148, Notice **ARC 4565B** ..... 10/12/05

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- Soy-based cutting tool oil tax credit, 42.21, 52.24, Filed **ARC 4575B** ..... 10/12/05
- Implementation of streamlined sales and use tax Act, 211.1, adopt chs 212 to 214, 225, 230, Notice **ARC 4573B** ..... 10/12/05

**SECRETARY OF STATE[721]**

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**STATE PUBLIC DEFENDER[493]**

INSPECTIONS AND APPEALS DEPARTMENT[481]"umbrella"

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500.3, 505.2(3), 524.2(2), 529.3, Filed ARC 4555B . . . . . 10/12/05Signing manual, 130.1, Filed ARC 4553B . . . . . 10/12/05Vehicles and loads of excess size and weight, 511.8(1)"e," 511.16(4), Filed ARC 4554B . . . . . 10/12/05Regulations applicable to carriers, 520.1(1)"a" and "b," 520.1(2)"c," Notice ARC 4604B . . . . . 10/26/05**ADMINISTRATIVE RULES REVIEW COMMITTEE MEMBERS**

Regular statutory meetings are held the second Tuesday of each month at the seat of government as provided in Iowa Code section 17A.8. A special meeting may be called by the Chair at any place in the state and at any time.

**EDITOR'S NOTE: Terms ending April 30, 2007.**

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Senator Michael Connolly  
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Dubuque, Iowa 52002

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AGENCY	HEARING LOCATION	DATE AND TIME OF HEARING
<b>ECONOMIC DEVELOPMENT, IOWA DEPARTMENT OF[261]</b>		
Iowa wine and beer promotion grant program, ch 104 IAB 10/12/05 <b>ARC 4583B</b>	Tourism Conference Room 200 E. Grand Ave. Des Moines, Iowa	November 1, 2005 2 p.m.
<b>EDUCATIONAL EXAMINERS BOARD[282]</b>		
Substitute teacher's license, 14.119(1), 14.119(3) IAB 10/12/05 <b>ARC 4581B</b>	Room 3 North Grimes State Office Bldg. Des Moines, Iowa	November 1, 2005 1 p.m.
<b>HUMAN SERVICES DEPARTMENT[441]</b>		
HCBS waiver—children's mental health services, amendments to chs 77 to 79, 83, 90 IAB 10/12/05 <b>ARC 4561B</b> (See also <b>ARC 4562B</b> )	Conference Room 102 City View Plaza 1200 University Ave. Des Moines, Iowa	November 1, 2005 8:30 a.m.
	ICN Room Pottawattamie County DHS Office 417 E. Kanesville Blvd. Council Bluffs, Iowa	November 1, 2005 1:30 p.m.
	Fifth Floor Conference Rm, Iowa Bldg. 411 Third St. SE Cedar Rapids, Iowa	November 1, 2005 10 a.m.
	Third Floor Conference Room Nesler Centre 799 Main St. Dubuque, Iowa	November 2, 2005 9 a.m.
	Second Floor Conference Room Story County Human Services Bldg. 126 S. Kellogg St. Ames, Iowa	November 2, 2005 10 a.m.
	Sixth Floor Conference Room Scott County Administrative Center 428 Western Ave. Davenport, Iowa	November 2, 2005 10 a.m.
	Room 220 Pinecrest Office Bldg. 1407 Independence Ave. Waterloo, Iowa	November 2, 2005 10 a.m.
	Room B, First Floor Trospen-Hoyt Bldg. 822 Douglas St. Sioux City, Iowa	November 3, 2005 9 a.m.
	Conference Room Wapello County DHS 120 E. Main St. Ottumwa, Iowa	November 3, 2005 10 a.m.

**INSURANCE DIVISION[191]**

Biologically based mental illness coverage, 35.3(3); rescind 35.30 IAB 10/12/05 <b>ARC 4570B</b>	330 Maple St. Des Moines, Iowa	November 2, 2005 10 a.m.
Model provisions for coordination of benefits, 38.12 to 38.19 IAB 10/12/05 <b>ARC 4571B</b>	330 Maple St. Des Moines, Iowa	November 1, 2005 10 a.m.

**IOWA PUBLIC EMPLOYEES' RETIREMENT SYSTEM[495]**

Investment board; benefits advisory committee; benefits, 2.1, 3.2 to 3.4, 4.6, 11.7, 12.8, 17.13, 26.3 IAB 10/26/05 <b>ARC 4601B</b>	7401 Register Dr. Des Moines, Iowa	November 15, 2005 9 a.m.
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**LABOR SERVICES DIVISION[875]**

Fees for elevator alteration permits, 75.2 IAB 10/12/05 <b>ARC 4566B</b>	Stanley Room 1000 E. Grand Ave. Des Moines, Iowa	November 3, 2005 8:30 a.m. (If requested)
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**LAW ENFORCEMENT ACADEMY[501]**

Hearing standards for law enforcement officers, 2.1(10) IAB 10/26/05 <b>ARC 4591B</b>	Conference Room Law Enforcement Acad., Camp Dodge Johnston, Iowa	November 17, 2005 10 a.m.
Training requirements for law enforcement officers and jailers, 3.5, 3.6, 3.8, 3.9, 8.1, 9.1, 9.3, 10.10 IAB 10/26/05 <b>ARC 4592B</b>	Conference Room Law Enforcement Acad., Camp Dodge Johnston, Iowa	November 17, 2005 11 a.m.

**NATURAL RESOURCE COMMISSION[571]**

Whitetail hunting preserves, ch 115 IAB 10/26/05 <b>ARC 4586B</b> (See also <b>ARC 4585B</b> herein)	Fourth Floor East Conference Room Wallace State Office Bldg. Des Moines, Iowa	November 15, 2005 10 a.m.
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**PROFESSIONAL LICENSURE DIVISION[645]**

Behavioral science, 31.10(3), 34.1 IAB 10/12/05 <b>ARC 4552B</b>	Fifth Floor Board Conference Rm. Lucas State Office Bldg. Des Moines, Iowa	November 3, 2005 9 to 9:30 a.m.
Dietitians, 81.9(9), 82.1, 82.3(2), 82.4(2), 84.1 IAB 10/12/05 <b>ARC 4556B</b>	Fifth Floor Board Conference Rm. Lucas State Office Bldg. Des Moines, Iowa	November 3, 2005 9:30 to 10 a.m.
Optometrists—continuing education, 180.1, 180.3, 180.11, 181.1 to 181.4 IAB 10/26/05 <b>ARC 4598B</b>	Fifth Floor Board Conference Rm. Lucas State Office Bldg. Des Moines, Iowa	November 15, 2005 9:30 to 10 a.m.
Optometrists, 180.5(2), 183.2(25), 184.1 IAB 10/26/05 <b>ARC 4599B</b>	Fifth Floor Board Conference Rm. Lucas State Office Bldg. Des Moines, Iowa	November 15, 2005 9:30 to 10 a.m.

**PROFESSIONAL LICENSURE DIVISION[645] (Cont'd)**

Podiatrists, 220.9(2), 224.2(26), 225.1 IAB 10/26/05 <b>ARC 4593B</b>	Fifth Floor Board Conference Rm. Lucas State Office Bldg. Des Moines, Iowa	November 15, 2005 9 to 9:30 a.m.
Athletic trainers, 351.9(2), 354.1 IAB 10/12/05 <b>ARC 4560B</b>	Fifth Floor Board Conference Rm. Lucas State Office Bldg. Des Moines, Iowa	November 3, 2005 10 to 10:30 a.m.

**REAL ESTATE COMMISSION[193E]**

Prohibition of licensees' participation in certain arrangements with persons not licensed in Iowa, 7.4(8) IAB 10/26/05 <b>ARC 4584B</b>	Second Floor Professional Licensing Conference Room 1920 SE Hulsizer Ankeny, Iowa	November 15, 2005 10 a.m.
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**STATE PUBLIC DEFENDER[493]**

Claims for indigent defense services, 7.1, 10.5, 10.7, 12.2, 12.6 to 12.9, 13.2, 14.3, 14.4 IAB 10/26/05 <b>ARC 4595B</b>	Conference Room 422 Lucas State Office Bldg. Des Moines, Iowa	November 15, 2005 9 a.m.
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**TRANSPORTATION DEPARTMENT[761]**

Regulations applicable to carriers, 520.1 IAB 10/26/05 <b>ARC 4604B</b>	DOT Conference Room Park Fair Mall 100 Euclid Ave. Des Moines, Iowa	November 17, 2005 10 a.m. (If requested)
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Due to reorganization of state government by 1986 Iowa Acts, chapter 1245, it was necessary to revise the agency identification numbering system, i.e., the bracketed number following the agency name.

“Umbrella” agencies and elected officials are set out below at the left-hand margin in CAPITAL letters.

Divisions (boards, commissions, etc.) are indented and set out in lowercase type under their statutory “umbrellas.”

Other autonomous agencies which were not included in the original reorganization legislation as “umbrella” agencies are included alphabetically in small capitals at the left-hand margin, e.g., BEEF INDUSTRY COUNCIL, IOWA[101].

The following list will be updated as changes occur:

ADMINISTRATIVE SERVICES DEPARTMENT[11]  
 AGRICULTURE AND LAND STEWARDSHIP DEPARTMENT[21]  
   Agricultural Development Authority[25]  
   Soil Conservation Division[27]  
 ATTORNEY GENERAL[61]  
 AUDITOR OF STATE[81]  
 BEEF INDUSTRY COUNCIL, IOWA[101]  
 BLIND, DEPARTMENT FOR THE[111]  
 CAPITAL INVESTMENT BOARD, IOWA[123]  
 CITIZENS’ AIDE[141]  
 CIVIL RIGHTS COMMISSION[161]  
 COMMERCE DEPARTMENT[181]  
   Alcoholic Beverages Division[185]  
   Banking Division[187]  
   Credit Union Division[189]  
   Insurance Division[191]  
   Professional Licensing and Regulation Division[193]  
     Accountancy Examining Board[193A]  
     Architectural Examining Board[193B]  
     Engineering and Land Surveying Examining Board[193C]  
     Landscape Architectural Examining Board[193D]  
     Real Estate Commission[193E]  
     Real Estate Appraiser Examining Board[193F]  
   Savings and Loan Division[197]  
   Utilities Division[199]  
 CORRECTIONS DEPARTMENT[201]  
   Parole Board[205]  
 CULTURAL AFFAIRS DEPARTMENT[221]  
   Arts Division[222]  
   Historical Division[223]  
 ECONOMIC DEVELOPMENT, IOWA DEPARTMENT OF[261]  
   City Development Board[263]  
   Grow Iowa Values Board[264]  
   Iowa Finance Authority[265]  
 EDUCATION DEPARTMENT[281]  
   Educational Examiners Board[282]  
   College Student Aid Commission[283]  
   Higher Education Loan Authority[284]  
   Iowa Advance Funding Authority[285]  
   Libraries and Information Services Division[286]  
   Public Broadcasting Division[288]  
   School Budget Review Committee[289]  
 EGG COUNCIL, IOWA[301]  
 ELDER AFFAIRS DEPARTMENT[321]  
 EMPOWERMENT BOARD, IOWA[349]  
 ETHICS AND CAMPAIGN DISCLOSURE BOARD, IOWA[351]  
 EXECUTIVE COUNCIL[361]  
 FAIR BOARD[371]  
 GENERAL SERVICES DEPARTMENT[401]  
 HUMAN INVESTMENT COUNCIL[417]  
 HUMAN RIGHTS DEPARTMENT[421]  
   Community Action Agencies Division[427]  
   Criminal and Juvenile Justice Planning Division[428]  
   Deaf Services Division[429]  
   Persons With Disabilities Division[431]  
   Latino Affairs Division[433]  
   Status of African-Americans, Division on the[434]  
   Status of Women Division[435]

HUMAN SERVICES DEPARTMENT[441]  
INFORMATION TECHNOLOGY DEPARTMENT[471]  
INSPECTIONS AND APPEALS DEPARTMENT[481]  
    Employment Appeal Board[486]  
    Foster Care Review Board[489]  
    Racing and Gaming Commission[491]  
    State Public Defender[493]  
IOWA PUBLIC EMPLOYEES' RETIREMENT SYSTEM[495]  
LAW ENFORCEMENT ACADEMY[501]  
LIVESTOCK HEALTH ADVISORY COUNCIL[521]  
LOTTERY AUTHORITY, IOWA[531]  
MANAGEMENT DEPARTMENT[541]  
    Appeal Board, State[543]  
    City Finance Committee[545]  
    County Finance Committee[547]  
NARCOTICS ENFORCEMENT ADVISORY COUNCIL[551]  
NATURAL RESOURCES DEPARTMENT[561]  
    Energy and Geological Resources Division[565]  
    Environmental Protection Commission[567]  
    Natural Resource Commission[571]  
    Preserves, State Advisory Board for[575]  
PERSONNEL DEPARTMENT[581]  
PETROLEUM UNDERGROUND STORAGE TANK FUND  
    BOARD, IOWA COMPREHENSIVE[591]  
PREVENTION OF DISABILITIES POLICY COUNCIL[597]  
PUBLIC DEFENSE DEPARTMENT[601]  
    Homeland Security and Emergency Management Division[605]  
    Military Division[611]  
PUBLIC EMPLOYMENT RELATIONS BOARD[621]  
PUBLIC HEALTH DEPARTMENT[641]  
    Substance Abuse Commission[643]  
    Professional Licensure Division[645]  
    Dental Examiners Board[650]  
    Medical Examiners Board[653]  
    Nursing Board[655]  
    Pharmacy Examiners Board[657]  
PUBLIC SAFETY DEPARTMENT[661]  
RECORDS COMMISSION[671]  
REGENTS BOARD[681]  
    Archaeologist[685]  
REVENUE DEPARTMENT[701]  
SECRETARY OF STATE[721]  
SEED CAPITAL CORPORATION, IOWA[727]  
SHEEP AND WOOL PROMOTION BOARD, IOWA[741]  
TELECOMMUNICATIONS AND TECHNOLOGY COMMISSION, IOWA[751]  
TRANSPORTATION DEPARTMENT[761]  
    Railway Finance Authority[765]  
TREASURER OF STATE[781]  
TURKEY MARKETING COUNCIL, IOWA[787]  
UNIFORM STATE LAWS COMMISSION[791]  
VETERANS AFFAIRS COMMISSION[801]  
VETERINARY MEDICINE BOARD[811]  
VOLUNTEER SERVICE, IOWA COMMISSION ON[817]  
VOTER REGISTRATION COMMISSION[821]  
WORKFORCE DEVELOPMENT DEPARTMENT[871]  
    Labor Services Division[875]  
    Workers' Compensation Division[876]  
    Workforce Development Board and  
    Workforce Development Center Administration Division[877]

**ARC 4594B****ADMINISTRATIVE SERVICES  
DEPARTMENT[11]****Notice of Intended Action**

Twenty-five interested persons, a governmental subdivision, an agency or association of 25 or more persons may demand an oral presentation hereon as provided in Iowa Code section 17A.4(1)"b."

Notice is also given to the public that the Administrative Rules Review Committee may, on its own motion or on written request by any individual or group, review this proposed action under section 17A.8(6) at a regular or special meeting where the public or interested persons may be heard.

Pursuant to the authority of Iowa Code section 8A.104, the Department of Administrative Services hereby gives Notice of Intended Action to amend Chapter 46, "Payroll Deduction for Additional Insurance Coverage," Iowa Administrative Code.

The purpose of this rule making is to update rules for the optional payroll deduction for additional insurance coverage. These amendments clarify rule 11—46.6(80GA, HF2262), which pertains to distribution of literature, and rule 11—46.11(80GA, HF2262), which pertains to unapproved solicitation, and add a new rule regarding reinstatement of a company after it has been terminated from the payroll deduction program.

Public comments concerning the proposed amendments will be accepted until 4:30 p.m. on November 15, 2005. Interested persons may submit written, oral or electronic comments by contacting Marianne Mickelson, Acting Rules Administrator, Department of Administrative Services, Hoover State Office Building, Level A, Des Moines, Iowa 50319-0104; telephone (515)281-6904; fax (515)281-6140; E-mail [Marianne.Mickelson@iowa.gov](mailto:Marianne.Mickelson@iowa.gov).

These amendments are intended to implement Iowa Code section 70A.17.

A fiscal impact summary prepared by the Legislative Services Agency pursuant to Iowa Code § 17A.4(3) will be available at <http://www.legis.state.ia.us/IAC.html> or at (515) 281-5279 prior to the Administrative Rules Review Committee's review of this rule making.

The following amendments are proposed.

ITEM 1. Amend rules **11—46.1(80GA, HF2262)** to **11—46.13(80GA, HF2262)** by replacing all parenthetical references to "80GA, HF2262" with references to "70A."

ITEM 2. Amend rule 11—46.6(70A) as follows:

**11—46.6(70A) Distribution of literature.** The state of Iowa will not distribute with payroll materials any literature soliciting insurance premium deductions or literature pertaining to any other matter on behalf of any company.

ITEM 3. Amend rule 11—46.11(70A) as follows:

**11—46.11(70A) Unapproved solicitation prohibited.** Salespersons or agents must follow all applicable rules prohibiting solicitation on state property. The designated company representative may schedule presentations of marketing and informational materials, provided the program administrator has given written approval of said materials and applicable rules are followed concerning approval of the date, time, and location of such presentations. Further, use of employees' state E-mail addresses or work addresses to mass distribute marketing materials is prohibited.

ITEM 4. Adopt **new** rule 11—46.14(70A) as follows:

**11—46.14(70A) Reinstatement of company participation.** A company that has been terminated from participation in the payroll deduction program may be reinstated when the company has again met program qualifications as set forth in this chapter.

ITEM 5. Amend **11—Chapter 46**, implementation clause, as follows:

These rules are intended to implement 2004 Iowa Acts, House File 2262 Iowa Code section 70A.17.

**ARC 4589B****ADMINISTRATIVE SERVICES  
DEPARTMENT[11]****Notice of Intended Action**

Twenty-five interested persons, a governmental subdivision, an agency or association of 25 or more persons may demand an oral presentation hereon as provided in Iowa Code section 17A.4(1)"b."

Notice is also given to the public that the Administrative Rules Review Committee may, on its own motion or on written request by any individual or group, review this proposed action under section 17A.8(6) at a regular or special meeting where the public or interested persons may be heard.

Pursuant to the authority of Iowa Code section 8A.104, the Department of Administrative Services hereby gives Notice of Intended Action to amend Chapter 53, "Pay," Iowa Administrative Code.

The purpose of this amendment is to provide compensation for an employee in a noncontract classification who increases the employee's credentials while employed by the state.

Public comments concerning the proposed amendment will be accepted until 4:30 p.m. on November 15, 2005. Interested persons may submit written, oral or electronic comments by contacting Marianne Mickelson, Acting Rules Administrator, Department of Administrative Services, Hoover State Office Building, Level A, Des Moines, Iowa 50319-0104; telephone (515)281-6904; fax (515)281-6140; E-mail [Marianne.Mickelson@iowa.gov](mailto:Marianne.Mickelson@iowa.gov).

This amendment is intended to implement Iowa Code section 8A.413.

A fiscal impact summary prepared by the Legislative Services Agency pursuant to Iowa Code § 17A.4(3) will be available at <http://www.legis.state.ia.us/IAC.html> or at (515) 281-5279 prior to the Administrative Rules Review Committee's review of this rule making.

The following **new** subrule is proposed.

**53.9(6) Pay for increased credentials.** An employee in a noncontract classification who successfully completes a course of study, a certificate program, or any educational program directly related to the employee's current employment is eligible to receive an increase in base pay at the discretion of the appointing authority. Granting an increase pursuant to this subrule will not affect an employee's pay increase eligibility date and may not exceed the maximum pay for the assigned job classification pursuant to subrule 53.6(2).

**ARC 4590B**  
**ADMINISTRATIVE SERVICES**  
**DEPARTMENT[11]**

**Notice of Intended Action**

Twenty-five interested persons, a governmental subdivision, an agency or association of 25 or more persons may demand an oral presentation hereon as provided in Iowa Code section 17A.4(1)“b.”

Notice is also given to the public that the Administrative Rules Review Committee may, on its own motion or on written request by any individual or group, review this proposed action under section 17A.8(6) at a regular or special meeting where the public or interested persons may be heard.

Pursuant to the authority of Iowa Code section 8A.104, the Department of Administrative Services hereby gives Notice of Intended Action to amend Chapter 103, “State Employee Driving Guidelines,” and Chapter 105, “Procurement of Goods and Services of General Use,” Iowa Administrative Code.

This Notice of Intended Action is intended to assist in the implementation of Executive Order 41, signed by Governor Vilsack on April 22, 2005. The purpose of amendments to Chapter 103 is to ensure that drivers of state vehicles that are capable of using fuel with 85 percent ethanol (E85) will use E85 where it is available, or will use enough of the 10 percent ethanol fuel to get drivers of state vehicles to the nearest E85 fueling facility. State fueling facilities are to be utilized where available. The purpose of the amendments to Chapter 105 is to require that specifications for replacement state vehicles are written to procure vehicles with alternative fuel capabilities or hybrid-electric vehicles, providing an equivalent vehicle is available, while also taking into account the current rule regarding life cycle costing and energy efficiency. In addition, a standard is specified for bulk diesel fuel procurement.

Public comments concerning the proposed amendments will be accepted until 4:30 p.m. on November 15, 2005. Interested persons may submit written, oral or electronic comments by contacting Marianne Mickelson, Acting Rules Administrator, Department of Administrative Services, Hoover State Office Building, Level A, Des Moines, Iowa 50319- 0104; telephone (515)281-6904; fax (515)281-6140; E-mail [Marianne.Mickelson@iowa.gov](mailto:Marianne.Mickelson@iowa.gov).

These amendments are intended to implement Iowa Code sections 8A.311 and 8A.362 and Executive Order 41.

A fiscal impact summary prepared by the Legislative Services Agency pursuant to Iowa Code § 17A.4(3) will be available at <http://www.legis.state.ia.us/IAC.html> or at (515) 281-5279 prior to the Administrative Rules Review Committee’s review of this rule making.

The following amendments are proposed.

ITEM 1. Adopt the following **new** rule:

**11—103.16(8A) Vehicle fueling.**

**103.16(1)** All fuel used in state-owned automobiles shall be purchased at cost from the various state installations or garages such as but not limited to those of the state department of transportation, state board of regents, department of human services, department or corrections, or state motorpools throughout the state, unless the state-owned sources for the purchase of fuel are not reasonably accessible.

**103.16(2)** All drivers of state vehicles shall fuel their assigned vehicles with self-service gasohol, a mixture of 10 percent ethanol and 90 percent gasoline (E10), unless under emergency circumstances. If the vehicle is capable of run-

ning on a blend of 85 percent ethanol and 15 percent gasoline, subrule 103.16(3) applies.

**103.16(3)** Agencies shall ensure that their flexible fuel vehicles that are capable of operating on 85 percent ethanol (E85) use E85 fuel whenever an E85 fueling facility is available to the driver when fuel is needed. E85 fuel may be procured at a retail establishment if a state fueling facility is not readily available. If an E85 facility is not readily available, the driver shall not completely fill the tank with fuel when a lesser quantity will be adequate to complete the trip to an E85 fueling site.

**103.16(4)** Agencies shall ensure that their diesel vehicles operate on biodiesel blends whenever the blends are available. It is also recommended that biodiesel blends be used within six months of purchase to ensure that the quality of the fuel is maintained.

ITEM 2. Amend rule **11—105.2(8A)** by adding the following **new** definition in alphabetical order:

“American motor vehicles” means those vehicles manufactured in this state and those vehicles in which at least 70 percent of the value of the motor vehicle was manufactured in the United States or Canada and at least 50 percent of the motor vehicle sales of the manufacturer are in the United States or Canada.

ITEM 3. Adopt the following **new** subrule:

**105.11(6) Vehicle procurement.**

a. Specifications for procurement of all non-law enforcement, light-duty vehicles, excluding those purchased and used for off-road maintenance work or to pull loaded trailers, shall be for flexible fuel vehicles (as defined by Iowa Code section 8A.362(5)) when an equivalent flexible fuel model is available.

b. Use of specifications for hybrid-electric or other alternative fuel vehicles (as defined by Iowa Code section 8A.362(5)) is encouraged. Procurement of hybrid-electric or other alternative fuel vehicles may be dependent upon whether the costs of the vehicle’s life cycle are equivalent to a non-alternative fuel vehicle or non-flexible fuel vehicle (a vehicle with a gasoline E10 engine) prior to the year 2010.

c. The life cycle costs of American motor vehicles shall be reduced by 5 percent in order to determine if the motor vehicle is comparable to foreign-made motor vehicles. The life cycle costs of a motor vehicle shall be determined on the basis of the bid price, the resale value, and the operating costs based upon a useable life of five years or 75,000 miles, whichever occurs first.

d. The average fuel efficiency for new passenger vehicles and light trucks, as defined in paragraph 105.11(6)“a,” that are purchased in a year shall equal or exceed the average fuel economy standard for the vehicles’ model years as published by the United States Secretary of Transportation.

ITEM 4. Adopt the following **new** subrule:

**105.11(7) Bulk diesel fuel procurement.** Specifications for procurement of all bulk diesel fuel shall ensure that all bulk diesel procured has at least 5 percent renewable content by 2007, 10 percent renewable content by 2008, and 20 percent renewable content by 2010, provided that fuel that meets the American Society for Testing and Materials (ASTM) D-6751 specification is available. Bulk diesel fuel that is used exclusively for emergency generation is exempt from the renewable content requirement.

## ARC 4597B

### COLLEGE STUDENT AID COMMISSION[283]

#### Notice of Intended Action

Twenty-five interested persons, a governmental subdivision, an agency or association of 25 or more persons may demand an oral presentation hereon as provided in Iowa Code section 17A.4(1)“b.”

Notice is also given to the public that the Administrative Rules Review Committee may, on its own motion or on written request by any individual or group, review this proposed action under section 17A.8(6) at a regular or special meeting where the public or interested persons may be heard.

Pursuant to the authority of Iowa Code sections 261.3 and 261.37(5), the College Student Aid Commission proposes to rescind Chapter 18, “Iowa Work-Study Program,” Iowa Administrative Code, and adopt a new Chapter 18 with the same title.

The proposed new Chapter 18 restructures the information into a more logical format and provides student eligibility information.

Interested persons may submit comments orally or in writing by 4:30 p.m., November 15, 2005, to the Executive Director, College Student Aid Commission, 200 Tenth Street, Fourth Floor, Des Moines, Iowa 50309-3609; telephone (515)242-3344.

These rules are intended to implement Iowa Code section 17A.3(1)“a” and “b” and chapter 261.

A fiscal impact summary prepared by the Legislative Services Agency pursuant to Iowa Code § 17A.4(3) will be available at <http://www.legis.state.ia.us/IAC.html> or at (515) 281-5279 prior to the Administrative Rules Review Committee’s review of this rule making.

The following amendment is proposed.

Rescind 283—Chapter 18 and adopt the following **new** chapter in lieu thereof:

#### CHAPTER 18 IOWA WORK-STUDY PROGRAM

**283—18.1(261) Administrative procedures.** To facilitate efficient administration, the commission hereby adopts the federal work-study regulations found at 34 CFR 675 as of December 31, 1992. Provisions of the federal regulations include, but are not limited to:

1. Need analysis,
2. Student budgets,
3. Wage and salary administration,
4. Civil rights requirements,
5. Employee benefits,
6. State workers’ compensation laws, and
7. Social security requirements.

A college or university must administer state-funded work-study funds for Iowa residents in the same manner as the college or university administers its federal work-study program, except that state funds may not be transferred to other student aid programs.

**283—18.2(261) Student eligibility.** A recipient must be an Iowa resident enrolled for at least three semester hours, or the trimester or quarter equivalent, in a program leading to a degree from an eligible Iowa college or university. The criteria used by the state board of regents to determine residency for tuition purposes, 681—1.4(262) and the Iowa department of education’s “Iowa community college uniform policy on student residency status” are adopted for this program.

Funds may be used to provide part-time or full-time work opportunities to students registered for classes at the college or university for the academic year. For this program, academic year is defined as July 1 through June 30. Work opportunities may be provided during the summer to students who are enrolled for the upcoming fall term.

**283—18.3(261) College and university eligibility.** To be eligible to participate in the Iowa work-study program, a college or university must be an Iowa regent university, an Iowa community college, or a college or university eligible to participate in the Iowa tuition grant program.

**18.3(1) Application to participate.** An Iowa college or university requesting participation in the Iowa work-study program must apply to the college student aid commission using the commission’s designated application.

a. Applicant colleges and universities shall provide the commission with documentation that establishes their eligibility as described in Iowa Code section 261.83 on application forms provided by the commission.

b. Colleges and universities seeking to participate in the Iowa work-study program must submit applications by January 1 for participation in the upcoming academic year.

c. Colleges and universities approved for participation in the program must sign an agreement provided by the commission that defines the manner in which the Iowa work-study program is to be administered.

**18.3(2) Annual application.** Participating colleges and universities are required to submit annual applications on forms provided by the commission. The applications shall provide pertinent information deemed necessary by the commission for administration of the program.

**18.3(3) Notice of change of status.** Any college or university which loses eligibility to participate in the Iowa work-study program, as described in 283—18.3(261), must immediately notify the commission. A college or university that fails to comply with this notice of change of status requirement may be required to return Iowa work-study funds to the commission.

**18.3(4) Reporting requirements.** Every college or university participating in the Iowa work-study program shall submit an annual report which includes student and faculty information, enrollment and employment information, the amount of institutional matching dollars, and other information required by the commission as described in Iowa Code sections 261.9 through 261.16. The commission’s report format includes student-specific information, the number of students served, the amount of funds used during the academic year, and other information needed to prepare the commission’s budget request for the next academic year. Student-specific information may include, but is not limited to, student name, address, social security number, number of hours worked, and the amount of the Iowa work-study award. Final reports must be submitted to the commission by July 31 of each year.

**283—18.4(261) Award notices.** The commission will annually provide award information based on college and university applications, each college or university’s relative need for funding, and the program’s appropriation. Updates will be provided in the event of adjustments to the appropriation or as a result of colleges or universities opting not to participate.

**283—18.5(261) Disbursement schedule.** Funds will be disbursed in equal installments at the beginning of each fall and spring term except that college and university awards of less than \$50,000 will be disbursed in one payment.

## COLLEGE STUDENT AID COMMISSION[283](cont'd)

**283—18.6(261) Matching funds.** Colleges and universities are required to provide at least 20 percent in institutional matching funds.

**283—18.7(261) Due process.** Students and college and university officials may appeal commission action in accordance with the commission's administrative rules, 283—Chapter 4.

**283—18.8(261) Student award notification.** The college or university shall notify work-study award recipients of the award. The award notification must clearly indicate that the award is funded through the Iowa work-study program and must include the award amount, the state program from which funding will be received, and notification that funding is contingent upon the availability of state funds. The college or university is responsible for completing necessary verification and for coordinating other aid to ensure compliance with student eligibility requirements and allowable award amounts.

**283—18.9(261) Unused funds.** The commission will reallocate unused funds and, if necessary, deduct any excess funds from an institution's subsequent award.

**283—18.10(261) Employment restrictions.** The creation of work-study opportunities shall not result in the displacement of employed workers or impair or affect existing contracts for services. Moneys used by an institution for the work-study program shall supplement and not supplant jobs and existing financial aid programs provided students through the institution.

**283—18.11(261) Restrictions.** A student who is in default on a Stafford Loan, SLS Loan, or a Perkins/National Direct/National Defense Student Loan or who owes a repayment on any Title IV grant assistance or state award shall be ineligible for assistance under the Iowa work-study program. A student's eligibility for state aid may be reinstated upon payment in full of the delinquent obligation or by commission ruling on the basis of adequate extenuating evidence presented in an appeal under the procedure set forth in 283—Chapters 4 and 5.

These rules are intended to implement Iowa Code section 261.3.

**ARC 4596B****COLLEGE STUDENT AID  
COMMISSION[283]****Notice of Intended Action**

Twenty-five interested persons, a governmental subdivision, an agency or association of 25 or more persons may demand an oral presentation hereon as provided in Iowa Code section 17A.4(1)“b.”

Notice is also given to the public that the Administrative Rules Review Committee may, on its own motion or on written request by any individual or group, review this proposed action under section 17A.8(6) at a regular or special meeting where the public or interested persons may be heard.

Pursuant to the authority of Iowa Code sections 261.3 and 261.23, the College Student Aid Commission proposes to adopt new Chapter 34, “Registered Nurse Recruitment Program,” Iowa Administrative Code.

The proposed new Chapter 34 provides rules for the administration of a program which was funded by the General Assembly during the 2005 session.

Interested persons may submit comments orally or in writing by 4:30 p.m. on November 15, 2005, to the Executive Di-

rector, College Student Aid Commission, 200 Tenth Street, Fourth Floor, Des Moines, Iowa 50309-3609; telephone (515)242-3344.

These rules are intended to implement Iowa Code section 17A.3(1)“a” and “b” and chapter 261.

A fiscal impact summary prepared by the Legislative Services Agency pursuant to Iowa Code § 17A.4(3) will be available at <http://www.legis.state.ia.us/IAC.html> or at (515) 281-5279 prior to the Administrative Rules Review Committee's review of this rule making.

The following **new** chapter is proposed.

**CHAPTER 34****REGISTERED NURSE RECRUITMENT PROGRAM**

**283—34.1(261) Registered nurse forgivable loan program.** The registered nurse forgivable loan program is a state-supported and administered forgivable loan program established under the registered nurse recruitment program for Iowans enrolled in programs that will qualify them to teach nursing in Iowa colleges and universities.

**283—34.2(261) Definitions.** As used in this chapter:

“Eligible college or university” means a not-for-profit institution of higher learning located in Iowa that provides master's degree or higher level programs that qualify applicants to become college or university faculty members eligible to teach nursing as provided in 655—2.6(152). Eligible colleges and universities also must meet all eligibility requirements as set forth in Iowa Code section 261.9.

“Iowa resident student” means an individual who meets the criteria used by the state board of regents to determine residency for tuition purposes as provided in 681—1.4(262).

“Located in Iowa” means that a college or university is accredited by the Higher Learning Commission of the North Central Association of Colleges and Schools, has made a substantial investment in a permanent Iowa campus and staff, and offers a full range of courses leading to the degrees offered by the institution as well as a full range of student services.

“Teacher” means a registered nurse who holds a master's, specialist, or doctorate degree and is employed by a college or university located in Iowa as a faculty member who teaches nursing as provided in 655—2.6(152).

**283—34.3(261) Student eligibility.** An applicant must be an Iowa resident who is a registered nurse with a bachelor's degree in nursing and who is enrolled full-time as a graduate student at an eligible college or university located in Iowa.

**283—34.4(261) Application process.** Applicants must complete and file applications for the registered nurse forgivable loan program by the deadline established by the commission. If funds remain available after the application deadline, the commission will continue to accept applications.

**283—34.5(261) Awarding of funds.**

**34.5(1) Selection criteria.** All applications received on or before the published deadline will be considered for funding. In the event that all applications for the program cannot be funded with the available appropriations, the following selection criteria will be used to select the recipients: applicant's renewal status, date of application, date applicant is available to begin teaching, and applicant's financial need. For the purposes of determining financial need, the commission has adopted the use of the Free Application for Federal Student Aid (FAFSA), a federal form used to calculate a formula developed by the U.S. Department of Education, the results of which are used to determine relative need. For an ap-

## COLLEGE STUDENT AID COMMISSION[283](cont'd)

plicant to receive priority consideration, the applicant's FAFSA must be received by the processing agent by the date specified in the application instructions.

**34.5(2)** Annual award. The maximum annual award to an eligible student is \$4,000 or the amount of the student's established financial need, whichever is less.

**34.5(3)** Extent of grant. An applicant may receive this grant only if the applicant has not exceeded the Iowa tuition grant maximum number of awards as described in Iowa Code section 261.11.

**34.5(4)** Promissory note. Forgivable loan recipients shall sign promissory notes agreeing to become nurse educators in Iowa at colleges or universities located in Iowa and agreeing to serve as nurse educators for five years or to repay the loans and accrued interest according to repayment terms specified in the notes.

**34.5(5)** Interest rate. The interest rate shall be a fixed 8 percent rate.

**34.5(6)** Disbursement of loan proceeds.

a. Loan proceeds will be prorated by academic term and disbursed upon receipt of the college's or university's certification that the borrower is enrolled and in good standing.

b. Loan proceeds will be distributed to a college's or university's financial aid office and applied directly to the recipient's tuition account.

**283—34.6(261) Loan cancellations.**

**34.6(1)** Thirty days following graduation, termination of enrollment at the borrower's institution, or termination of full-time teaching, the borrower shall notify the commission of the nature of the borrower's employment or educational status.

**34.6(2)** To certify eligibility for loan cancellation, the borrower must submit to the commission confirmation of employment as a faculty member teaching nursing at an Iowa college or university. The borrower's loan amount, including principal and interest, shall be reduced by 20 percent for each year of full-time teaching. Borrowers will not receive loan cancellation for less-than-full-time teaching positions.

**34.6(3)** If the borrower qualifies for partial loan cancellation, the commission shall revise the repayment schedule accordingly.

**34.6(4)** In the event of the borrower's death or total and permanent disability, the borrower's obligation to pay this loan is canceled. Borrowers seeking forgiveness of the loan as the result of total or permanent disability must submit to the commission information substantiating the claim.

**34.6(5)** Borrowers may not receive credit for teaching until they have graduated from the education program for which forgivable loan proceeds have been received.

**283—34.7(261) Loan payments.**

**34.7(1)** Prior to the start of the repayment period, the commission shall provide the borrower with a repayment schedule, modified to reflect any applicable cancellation benefits.

**34.7(2)** It shall be the borrower's responsibility to remit payments to the commission as required by the repayment schedule.

**34.7(3)** In the event the borrower fails to abide by any material provision of the promissory note or becomes more than 90 days delinquent in submitting required payments, the commission may declare the borrower in default and declare the entire unpaid balance and accrued interest on the promissory note due.

**34.7(4)** The borrower is responsible for notifying the commission immediately of a change in name, place of employment, or home address.

**34.7(5)** All moneys received as a result of loan payments will be placed in the scholarship and tuition grant reserve fund as described in Iowa Code section 261.20.

**283—34.8(261) Deferral of repayment.**

**34.8(1)** Repayment of the borrower's loan obligation may be deferred under the following circumstances: the borrower returns to full-time study; is on active duty in the United States military service, for a period not to exceed three years; or is temporarily disabled, for a period not to exceed three years.

**34.8(2)** Repayment of the borrower's loan obligation under this program is not required during periods of enrollment or during periods of teaching in the area for which the loan was approved.

**34.8(3)** Forbearance is a revision in repayment terms to temporarily postpone payments. Forbearance may be granted when a borrower experiences a temporary hardship and is willing but unable to pay in accordance with the repayment schedule. Borrowers remain responsible for interest accrual during forbearance periods.

The program administrator may grant forbearance on a case-by-case basis.

**283—34.9(261) Restrictions.** A borrower who is in default on a Stafford Student Loan, SLS Loan, Perkins/National Direct/National Defense Student Loan, Health Professions Student Loan (HPSL), or Health Education Assistance Loan (HEAL) or who owes a repayment on any Title IV grant assistance or state award shall be ineligible for loan payments. Eligibility for state aid may be reinstated upon payment in full of the delinquent obligation or by commission ruling on the basis of adequate extenuating evidence presented in appeal under the procedures set forth in 283—Chapter 5, Iowa Administrative Code.

These rules are intended to implement Iowa Code section 261.23.

**ARC 4588B****ETHICS AND CAMPAIGN  
DISCLOSURE BOARD, IOWA[351]****Notice of Intended Action**

Twenty-five interested persons, a governmental subdivision, an agency or association of 25 or more persons may demand an oral presentation hereon as provided in Iowa Code section 17A.4(1)“b.”

Notice is also given to the public that the Administrative Rules Review Committee may, on its own motion or on written request by any individual or group, review this proposed action under section 17A.8(6) at a regular or special meeting where the public or interested persons may be heard.

Pursuant to the authority of Iowa Code section 68B.32A, the Iowa Ethics and Campaign Disclosure Board hereby gives Notice of Intended Action to amend Chapter 4, “Campaign Disclosure Procedures,” Iowa Administrative Code.

Due to statutory amendments to the laws involving campaign signs, certain provisions of the Board's current rule on the use of corporate property for campaign purposes are no longer accurate. The proposed amendments resolve this problem by referencing the appropriate campaign laws.

The proposed amendments do not contain a waiver provision as no new obligation is being imposed.

Any interested person may make written comments on the proposed amendments on or before November 15, 2005. Comments should be directed to Charlie Smithson, Iowa Ethics and Campaign Disclosure Board, 510 E. 12th Street,

## ETHICS AND CAMPAIGN DISCLOSURE BOARD, IOWA[351](cont'd)

Suite 1A, Des Moines, Iowa 50319. Persons who wish to comment orally should contact Charlie Smithson at (515) 281-3489.

These amendments are intended to implement Iowa Code sections 68A.406 as amended by 2005 Iowa Acts, Senate File 113, section 18, and House File 312, sections 17 through 19, and 68A.503 as amended by 2005 Iowa Acts, Senate File 113, section 19, and House File 312, section 20.

A fiscal impact summary prepared by the Legislative Services Agency pursuant to Iowa Code § 17A.4(3) will be available at <http://www.legis.state.ia.us/IAC.html> or at (515) 281-5279 prior to the Administrative Rules Review Committee's review of this rule making.

The following amendments are proposed.

ITEM 1. Rescind subrules **4.44(1)** and **4.44(2)** and adopt the following **new** subrule in lieu thereof:

**4.44(1)** The physical placement of campaign materials on corporate property except as permitted under Iowa Code sections 68A.406 and 68A.503.

ITEM 2. Renumber subrules **4.44(3)** through **4.44(7)** as **4.44(2)** through **4.44(6)**.

## ARC 4601B

### IOWA PUBLIC EMPLOYEES' RETIREMENT SYSTEM[495]

#### Notice of Intended Action

Twenty-five interested persons, a governmental subdivision, an agency or association of 25 or more persons may demand an oral presentation hereon as provided in Iowa Code section 17A.4(1)“b.”

Notice is also given to the public that the Administrative Rules Review Committee may, on its own motion or on written request by any individual or group, review this proposed action under section 17A.8(6) at a regular or special meeting where the public or interested persons may be heard.

Pursuant to the authority of Iowa Code sections 97B.4 and 97B.15, the Iowa Public Employees' Retirement System (IPERS) hereby gives Notice of Intended Action to amend Chapter 2, “Investment Board,” Chapter 3, “Benefits Advisory Committee,” Chapter 4, “Employers,” Chapter 11, “Application for, Modification of, and Termination of Benefits,” Chapter 12, “Calculation of Monthly Retirement Benefits,” Chapter 17, “Public Records and Fair Information Practices,” and Chapter 26, “Appeals and Contested Cases—Proceedings,” Iowa Administrative Code.

The purpose of this proposed rule making is to allow for participation by the IPERS Investment Board in the annual performance review of the chief investment officer, which is already an informal board practice; to remove a limitation on the qualifications of the public member of the Benefits Advisory Committee by deleting the word “substantial” from subrules that require this member to have “substantial pension expertise”; to add to the IPERS collection of overpayment process a provision for refunds paid to persons who violate the bona fide severance requirement and who cannot be located; to clarify the time period for certain lump sum payments from calendar month to 30 days; to add amendments to procurement proposals and procedures that align the IPERS rules with those of the Department of Administrative Services; and to correct scrivener's errors. These amendments were prepared after consultation with IPERS' actuary; the legal, benefits, investments and operational units; and the Benefits Advisory Committee.

There are no waiver provisions included in the proposed amendments. Any person may make written suggestions or comments on the proposed amendments on or before November 15, 2005. Such written suggestions or comments should be directed to the IPERS Administrative Rules Coordinator at IPERS, P.O. Box 9117, Des Moines, Iowa 50306-9117. Persons who wish to present their comments orally may contact the IPERS Administrative Rules Coordinator at (515)281-3081. Comments may also be submitted by fax to (515)281-0045 or by E-mail to [info@ipers.org](mailto:info@ipers.org).

There will be a public hearing at 9 a.m. on November 15, 2005, at IPERS, 7401 Register Drive, Des Moines, Iowa, at which time persons may present their views either orally or in writing. Persons who attend the hearing will be asked to give their names and addresses for the record and to confine their remarks to the subject matter of the amendments.

These amendments are intended to implement Iowa Code sections 97B.4 and 97B.15.

A fiscal impact summary prepared by the Legislative Services Agency pursuant to Iowa Code § 17A.4(3) will be available at <http://www.legis.state.ia.us/IAC.html> or at (515) 281-5279 prior to the Administrative Rules Review Committee's review of this rule making.

The following amendments are proposed.

ITEM 1. Amend rule **495—2.1(97B)** by adding the following **new** numbered paragraph “**8**”:

8. The board shall participate in the annual performance evaluation of the chief investment officer.

ITEM 2. Amend subrule **3.2(1)**, unnumbered paragraph, as follows:

In addition, there shall be a citizen representative who has **substantial** pension benefits experience and who is not a member of IPERS.

ITEM 3. Amend rule **495—3.3(97B)**, fourth unnumbered paragraph, as follows:

This rule shall not be construed to affect the BAC positions reserved for the director of the department of administrative services or the position reserved for a citizen who has **substantial** pension benefits experience and who is not a member of IPERS.

ITEM 4. Amend rule 495—3.4(97B), introductory paragraph, as follows:

**495—3.4(97B) Voting representatives.** The BAC shall have nine voting representatives. Four shall represent employers, four shall represent active and retired members of the system, and one shall be a citizen who has **substantial** pension benefits experience and who is not a member of IPERS.

ITEM 5. Amend subrule **4.6(4)**, paragraph “**d**,” as follows:

d. Airport firefighters employed by the military division of the department of public defense (airport firefighters). Effective July 1, 2004, airport firefighters become part of and shall make the same contributions as the other members covered under Iowa Code Supplement section 97B.49B. From July 1, 1994, through June 30, 2004, airport firefighters were grouped with and made the same contributions as sheriffs and deputy sheriffs. From July 1, 1988, through June 30, 1994, airport firefighters were grouped with and made the same contributions as the other members covered under Iowa Code section 97B.49B. From July 1, 1986, through June 30, 1988, airport firefighters were a separate protection occupation group and made contributions at a rate calculated for members of that group. Prior to July 1, 1986, airport fire-

## IOWA PUBLIC EMPLOYEES' RETIREMENT SYSTEM[495](cont'd)

fighters were grouped with regular members and made the same contributions as regular members.

Notwithstanding the foregoing, all airport firefighter service prior to July 1, 2004, shall be coded by IPERS as sheriff/deputy sheriff/airport firefighter service, and all airport firefighter service after June 30, 2004, shall be coded by IPERS as protection occupation service. This coding, however, shall not supersede provisions of this title that require members to make contributions at higher rates in order to receive certain benefits, such as in the hybrid formula pursuant to 581—21.13(10) 495—12.4(97B).

ITEM 6. Amend subrule **11.7(3)** by adding at the end thereof the following **new** unlettered paragraph:

If the overpayment recipient cannot be located to receive notice of the overpayment at the recipient's last-known address, IPERS shall, after trying to locate the person, consider the recipient to have waived entitlement to the quarters covered by the refund.

ITEM 7. Amend subrule **12.8(4)**, paragraph "j," as follows:

j. A retired reemployed member who has attained the age of 70 may take an actuarial equivalent (AE) payment. However, such a member must terminate covered employment for at least ~~one full calendar month~~ *30 days* before taking an additional AE payment.

ITEM 8. Amend subrule **17.13(2)** by adding the following **new** paragraph "b" and relettering paragraphs "b" to "h" as "c" to "i":

b. Procurement proposals prior to completion of the evaluation process and the issuance of a notice of intent to award a contract, provided that, if requests for proposals are cancelled prior to the issuance of a notice of intent to award, all procurement proposals shall be returned in confidence to the bidders and no file copies shall be retained.

ITEM 9. Amend subrule 26.3(2) as follows:

**26.3(2)** Appeals of disability claims under Iowa Code section 97B.50A shall be filed and processed as provided under rule ~~581—21.31(17A,97B)~~ *495—13.2(97B)* and, upon exhaustion of that appeal process, shall revert to the procedures set forth in 26.4(17A,97B).

## ARC 4591B

### LAW ENFORCEMENT ACADEMY[501]

#### Notice of Intended Action

Twenty-five interested persons, a governmental subdivision, an agency or association of 25 or more persons may demand an oral presentation hereon as provided in Iowa Code section 17A.4(1)"b."

Notice is also given to the public that the Administrative Rules Review Committee may, on its own motion or on written request by any individual or group, review this proposed action under section 17A.8(6) at a regular or special meeting where the public or interested persons may be heard.

Pursuant to the authority of Iowa Code section 80B.11, the Iowa Law Enforcement Academy with approval of the Iowa Law Enforcement Academy Council hereby gives Notice of Intended Action to amend Chapter 2, "Minimum Standards for Iowa Law Enforcement Officers," Iowa Administrative Code.

Current subrule 2.1(10) requires that an individual have normal hearing in each ear. Hearing is considered normal when, tested by an audiometer, hearing sensitivity thresholds

are within 25dB measured at 1000Hz, 2000Hz and 3000Hz averaged together. The proposed amendments outline the proposed minimum hearing standards for Iowa law enforcement officers. These amendments regarding new hearing standards are proposed by the Iowa Law Enforcement Academy Council to expand the current range, allow for additional testing, and allow the use of hearing aids in limited circumstances.

The proposed amendments were presented to the Iowa Law Enforcement Academy Council for review and approval on June 20, 2005. The Council approved the proposed amendments.

Any interested person may make written suggestions or comments on these proposed amendments on or before November 17, 2005. Such written materials should be directed to the Iowa Law Enforcement Academy, P.O. Box 130, Camp Dodge, Johnston, Iowa 50131; fax (515)242-5471; or E-mail [Penny.Westfall@ilea.state.ia.us](mailto:Penny.Westfall@ilea.state.ia.us).

There will be a public hearing on November 17, 2005, at 10 a.m. in the conference room at the Iowa Law Enforcement Academy, Camp Dodge, Johnston, Iowa, at which time persons may present their views either orally or in writing. At the hearing, persons will be asked to give their names and addresses for the record and to confine their remarks to the subject of the amendments.

Any person who plans to attend the public hearing and has special requirements, such as those relating to hearing or mobility impairments, should contact the Iowa Law Enforcement Academy at (515)242-5357 and advise of specific needs.

These amendments are intended to implement Iowa Code section 80B.11.

A fiscal impact summary prepared by the Legislative Services Agency pursuant to Iowa Code § 17A.4(3) will be available at <http://www.legis.state.ia.us/LAC.html> or at (515) 281-5279 prior to the Administrative Rules Review Committee's review of this rule making.

The following amendments are proposed.

Amend subrule 2.1(10) as follows:

**2.1(10)** *Meets hearing standards as outlined below.*

a. ~~Has~~ *The person shall have normal hearing in each ear. Hearing is considered normal when, tested by an audiometer, hearing sensitivity thresholds are within 25dB measured at 500Hz, 1000Hz, 2000Hz and 3000Hz averaged together.*

b. *If the person does not have normal hearing as described above and any of the following (as recommended by the American Academy of Otolaryngology) conditions exist, a medical specialist's evaluation (otologic evaluation) is required in order for the candidate to be considered for hire:*

(1) *Average hearing level at 500Hz, 1000Hz, 2000Hz, and 3000Hz greater than 25dB, in either ear.*

(2) *Difference in average hearing level between the better and poorer ear of:*

1. *More than 15dB at 500Hz, 1000Hz, and 2000Hz, or*

2. *More than 30dB at 3000Hz, 4000Hz, and 6000Hz.*

(3) *History of ear pain; drainage; dizziness; severe, persistent tinnitus; sudden, fluctuating, or rapidly progressive hearing loss; or a feeling of fullness or discomfort in one or both ears within the preceding 12 months.*

(4) *Cerumen accumulation sufficient to completely obstruct the view of the tympanic membrane or a foreign body in the ear canal.*

(5) *Use of a hearing aid.*

c. *Functional hearing evaluation required. Issues of reversibility and prognosis should be addressed during the otologic evaluation. The evaluation should consist of direction-*

## LAW ENFORCEMENT ACADEMY[501](cont'd)

al speech comprehension in noise and speech comprehension in quiet using the High Intensity Noise Test (HINT) or other tests that meet the performance characteristics as outlined in paragraph "d." Candidates who perform more poorly than the fifth percentile of the normal hearing group under any of the three background noise conditions (noise in front, right, or left) are not eligible for hire. Candidates with quiet thresholds greater than 28dB(A) on the HINT or other tests that meet the performance characteristics as outlined in paragraph "d" are not eligible for hire.

d. Required performance testing characteristics include the following:

(1) Testing is available in both headphone and sound field versions.

(2) The testing has an adequate normal hearing control group.

(3) The testing is capable of spatial separation between the speech and the noise source.

(4) The testing uses adaptive testing techniques.

(5) The testing uses a stationary background noise with the same average level across frequencies as the speech.

e. Use of a hearing aid. A candidate who uses a hearing aid(s) should be administered the HINT or other tests that meet the performance characteristics as outlined in paragraph "d" to assess speech comprehension ability in noise and quiet. Both tests must be administered by sound field methods rather than headphones. An aided audiogram can be reviewed to evaluate sound detection ability.

Before functional testing, the examining physician must ensure that the aid(s) has been worn regularly for at least one month, since it takes some practice before an individual obtains the maximum benefit from the hearing aid(s). Furthermore, the examining physician should obtain all records from the audiologist who dispensed the hearing aid(s). The records must include documentation of the fitting program and other hearing aid settings, which are used on a regular basis by the candidate. This information shall be reviewed by the certified audiologist performing the testing procedure to verify that the settings have not been intentionally altered.

The following protocol must be used. No modifications to the candidate's hearing aid program or settings should be made prior to or during the performance of this protocol.

(1) Evaluate whether the hearing aid(s) is working properly. The electroacoustic response characteristics of each hearing aid worn by the candidate should be measured in an appropriate acoustic coupler and test chamber according to ANSI specifications (ANSI 1992 and 1996). The response of the hearing aid(s) should be measured at the four designated input levels with a broadband test signal, as specified in the specifications. All measurements should be printed and retained in the candidate's records. If the hearing aid(s) is not in proper working condition, no further testing should be performed at that time. The candidate may elect to have the hearing aid(s) repaired or replaced and may return to repeat the protocol. In this event, the entire protocol, including measurements of the electroacoustic response characteristics of the hearing aid(s), should be repeated with the new or repaired hearing aid(s). Hearing aid sales, repairs, and replacements should be from an independent provider other than the provider of the functional assessment services.

(2) Review the candidate's regular fitting program and settings. The fitting program and settings should be equivalent to those measured according to subparagraph (1). If they are not equivalent, no further testing should be performed at that time.

(3) Determine whether the functional gain is both physiologic and appropriate for the candidate's hearing loss. Un-

aided and aided binaural sound field thresholds should be measured at 250Hz, 500Hz, 1000Hz, 2000Hz, 3000Hz, 4000Hz, and 6000Hz, using warble tone stimuli presented from a loudspeaker positioned 1 meter in front of the candidate at 0 degrees azimuth. If the functional gain is not physiologic and appropriate, then no further testing should be performed at this time.

(4) Perform aided sound field HINT or other approved testing in noise and quiet. Compare the results to the site-specific normal values for sound field noise front, noise right, and noise left conditions. If the measured thresholds are better than the fifth percentile under all three conditions, then the noise testing shall be repeated with the background noise fixed at 80dB(A). The same normative values used with the standard background noise levels may be used to assign percentile scores to these results.

The examining physician may use the evaluation algorithm described in Hearing Guidelines—Abnormal Audiogram, with one exception. Many present-day hearing aids employ methods of sound processing that vary as a function of the background noise level, and it is necessary to measure aided sound field HINT thresholds through a range of background noise levels. Therefore, candidates who use hearing aid(s) should be functionally normal both under standard HINT background noise levels (i.e., 65dB) and at levels that are commonly encountered in the field (80dB).

The candidate has met the required hiring standards if the candidate has demonstrated acceptable functional ability when wearing a hearing aid(s) and the candidate wears a hearing aid(s) when assigned to field duty. Failure to wear the hearing aid(s) when assigned to field duty will mean that the hiring standard has not been met.

**ARC 4592B**

## LAW ENFORCEMENT ACADEMY[501]

### Notice of Intended Action

Twenty-five interested persons, a governmental subdivision, an agency or association of 25 or more persons may demand an oral presentation hereon as provided in Iowa Code section 17A.4(1)"b."

Notice is also given to the public that the Administrative Rules Review Committee may, on its own motion or on written request by any individual or group, review this proposed action under section 17A.8(6) at a regular or special meeting where the public or interested persons may be heard.

Pursuant to the authority of Iowa Code section 80B.11, the Iowa Law Enforcement Academy with approval of the Iowa Law Enforcement Academy Council hereby gives Notice of Intended Action to amend Chapter 3, "Certification of Law Enforcement Officers," Chapter 8, "Mandatory In-Service Training Requirements," Chapter 9, "Jailer Training," and Chapter 10, "Reserve Peace Officers," Iowa Administrative Code.

The current Chapters 3, 8, 9, and 10 reflect previous training required by the Academy in health-related matters. Chapter 3 reflects that certified peace officers must be trained as First Responders. This training as a First Responder is no longer required. Certified peace officers must receive certification from the Department of Public Health as an Iowa Law Enforcement Emergency Care Provider (ILEECP). National standards now require that peace officers complete training in the use of Automated External Defibrillator (AED) and foreign body airway obstruction for all age groups. These amendments update the Iowa Administrative

## LAW ENFORCEMENT ACADEMY[501](cont'd)

Code to reflect the current state and national required standards.

These amendments were presented to the Iowa Law Enforcement Academy Council for review and approval on June 20, 2005. The Council approved the proposed amendments. The proposed amendments outline the current training requirements for Iowa Law Enforcement Officers and jailers.

Any interested person may make written suggestions or comments on these proposed amendments on or before November 17, 2005. Such written materials should be directed to the Iowa Law Enforcement Academy, P.O. Box 130, Camp Dodge, Johnston, Iowa 50131; fax (515)242-5471 or E-mail [Penny.Westfall@ilea.state.ia.us](mailto:Penny.Westfall@ilea.state.ia.us).

There will be a public hearing on November 17, 2005, at 11 a.m. in the conference room at Iowa Law Enforcement Academy, Camp Dodge, Johnston, Iowa, at which time persons may present their views either orally or in writing. At the hearing, persons will be asked to give their names and addresses for the record and to confine their remarks to the subject of the amendments.

Any person who plans to attend the public hearing and has special requirements, such as those relating to hearing or mobility impairments, should contact the Iowa Law Enforcement Academy at (515)242-5357 and advise of specific needs.

These amendments are intended to implement Iowa Code section 80B.11.

A fiscal impact summary prepared by the Legislative Services Agency pursuant to Iowa Code § 17A.4(3) will be available at <http://www.legis.state.ia.us/IAC.html> or at (515) 281-5279 prior to the Administrative Rules Review Committee's review of this rule making.

The following amendments are proposed.

ITEM 1. Amend subrule **3.5(2)**, paragraph "**n**," as follows:

n. Hazardous materials *operations*.

ITEM 2. Amend subrule **3.5(4)**, paragraph "**a**," as follows:

a. ~~Crash injury management.~~ *Iowa law enforcement emergency care provider (ILEECP)*.

ITEM 3. Amend subrule **3.5(7)**, paragraph "**k**," as follows:

k. Blood-borne pathogens *and TB*.

ITEM 4. Amend subrule **3.6(1)**, paragraph "**e**," as follows:

e. Hazardous materials *operations*.

ITEM 5. Amend subrule **3.6(3)**, paragraph "**c**," as follows:

c. ~~First responder~~ *Iowa law enforcement emergency care provider (ILEECP)*.

ITEM 6. Amend subrule **3.8(4)**, paragraph "**c**," as follows:

c. Possession of a current ~~crash injury management card, first responder, Iowa law enforcement emergency care provider (ILEECP) card~~ or another appropriate certification recognized by the Iowa law enforcement academy.

ITEM 7. Amend subrule **3.9(1)**, paragraph "**b**," as follows:

b. The applicant must possess or obtain current ~~first responder Iowa law enforcement emergency care provider (ILEECP)~~ or more advanced certification recognized by the Iowa department of public health and approved by the academy, and current *course completion* in cardiopulmonary resuscitation certification from the American Heart Association, Module "**C**," or American Red Cross Professional Rescuer Level, *AED and Foreign Body Airway Obstruction for all age groups according to national standards*, with documentation furnished to the academy.

ITEM 8. Amend subrule 8.1(2) as follows:

**8.1(2)** CPR training. A regular law enforcement officer shall maintain *current course completion* in cardiopulmonary resuscitation certification as required by the American Heart Association, the American Red Cross, or another group, *AED and Foreign Body Airway Obstruction for all age groups according to national standards* recognized by the Iowa law enforcement academy.

ITEM 9. Amend numbered paragraph **9.1(1)“a”(1)“1”** as follows:

1. Certification of ~~crash injury management~~ *Iowa law enforcement emergency care provider (ILEECP)* from the Iowa department of public health; or

ITEM 10. Amend subrule 9.1(2) as follows:

**9.1(2)** Continuing education. During each fiscal year of employment following completion of the required basic training as set forth in subrule 9.1(1), paragraphs "a" and "b," jailers and the administrator of a jail shall complete 20 hours of in-service training, not to include proficiency in first aid, ~~The 20 hours may include 4 hours of CPR recertification and, chemical agents, or 2 hours of firearms qualification.~~

ITEM 11. Amend paragraph **9.3(1)“a”** as follows:

Amend subparagraph **(1)**, numbered paragraph "**1**," as follows:

1. Certification of ~~crash injury management~~ *Iowa law enforcement emergency care provider (ILEECP)* certificate from the Iowa department of public health; or

Amend subparagraph **(2)** as follows:

(2) ~~The individual shall be certified as having successfully completed the basic life support training conducted under the program of the American Heart Association or the American Red Cross. The individual must have current course completion in cardiopulmonary resuscitation, AED and Foreign Body Airway Obstruction for all age groups according to national standards, with documentation furnished to the academy.~~

ITEM 12. Amend subrule 9.3(2) as follows:

**9.3(2)** Continuing education. Administrators and supervisor of holding facilities shall complete five hours of in-service training, not to include hours spent in maintaining required certification or proficiency in first aid, life support, *chemical agents*, or handling of firearms.

ITEM 13. Amend rule 501—10.10(80D) as follows:

**501—10.10(80D) CPR certification required.** ~~Reserve peace officers shall maintain valid cardiopulmonary resuscitation certification~~ *Reserve peace officers shall maintain at a minimum valid first-aid certification* issued by the American Heart Association, the American Red Cross, or any other

LAW ENFORCEMENT ACADEMY[501](cont'd)

group recognized by the Iowa law enforcement academy and must have current course completion in cardiopulmonary resuscitation, AED and Foreign Body Airway Obstruction for all age groups according to national standards, with documentation furnished to the academy.

## ARC 4586B

### NATURAL RESOURCE COMMISSION[571]

#### Notice of Intended Action

Twenty-five interested persons, a governmental subdivision, an agency or association of 25 or more persons may demand an oral presentation hereon as provided in Iowa Code section 17A.4(1)“b.”

Notice is also given to the public that the Administrative Rules Review Committee may, on its own motion or on written request by any individual or group, review this proposed action under section 17A.8(6) at a regular or special meeting where the public or interested persons may be heard.

Pursuant to the authority of 2005 Iowa Acts, Senate File 206, section 16, the Natural Resource Commission hereby gives Notice of Intended Action to adopt new Chapter 115, “Whitetail Hunting Preserves,” Iowa Administrative Code.

Proposed Chapter 115 is intended to implement the requirements and procedures of 2005 Iowa Acts, Senate File 206, sections 14 to 26, which regulate the establishment and operation of whitetail hunting preserves.

Any interested person may make written suggestions or comments on the proposed chapter on or before November 15, 2005. Such written materials should be directed to Steve Dermand, Law Enforcement Bureau, Department of Natural Resources, 502 E. 9th Street, Des Moines, Iowa 50319-0034; fax (515)281-6794. Persons wishing to convey their views orally should contact Steve Dermand at (515)281-4515 or at the Wallace State Office Building.

A public hearing will be held on November 15, 2005, at 10 a.m. in the Fourth Floor East Conference Room of the Wallace State Office Building, at which time persons may present their views either orally or in writing. At the hearing, persons will be asked to give their names and addresses for the record and to confine their remarks to the subject of the rules.

Any persons who intend to attend the public hearing and have special requirements such as those related to hearing or mobility impairments should contact the Department of Natural Resources and advise of specific needs.

This amendment was also Adopted and Filed Emergency and is published herein as **ARC 4585B**. The content of that submission is incorporated by reference.

These rules are intended to implement 2005 Iowa Acts, Senate File 206, sections 14 to 26.

A fiscal impact summary prepared by the Legislative Services Agency pursuant to Iowa Code § 17A.4(3) will be available at <http://www.legis.state.ia.us/IAC.html> or at (515) 281-5279 prior to the Administrative Rules Review Committee’s review of this rule making.

## ARC 4598B

### PROFESSIONAL LICENSURE DIVISION[645]

#### Notice of Intended Action

Twenty-five interested persons, a governmental subdivision, an agency or association of 25 or more persons may demand an oral presentation hereon as provided in Iowa Code section 17A.4(1)“b.”

Notice is also given to the public that the Administrative Rules Review Committee may, on its own motion or on written request by any individual or group, review this proposed action under section 17A.8(6) at a regular or special meeting where the public or interested persons may be heard.

Pursuant to the authority of Iowa Code section 147.76, the Board of Optometry Examiners hereby gives Notice of Intended Action to amend Chapter 180, “Licensure of Optometrists,” and Chapter 181, “Continuing Education for Optometrists,” Iowa Administrative Code.

The proposed amendments amend continuing education requirements to provide for the substitution of Council on Endorsed Licensure Mobility for Optometrists (CELMO) certification in lieu of proof of attendance at a continuing education program and remove a reference to “approved sponsor.”

Any interested person may make written comments on the proposed amendments no later than November 15, 2005, addressed to Pierce Wilson, Professional Licensure Division, Department of Public Health, Lucas State Office Building, Des Moines, Iowa 50319-0075; E-mail [pwilson@idph.state.ia.us](mailto:pwilson@idph.state.ia.us).

A public hearing will be held on November 15, 2005, from 9:30 to 10 a.m. in the Fifth Floor Board Conference Room, Lucas State Office Building, at which time persons may present their views either orally or in writing. At the hearing, persons will be asked to give their names and addresses for the record and to confine their remarks to the subject of the proposed amendments.

These amendments are intended to implement Iowa Code chapters 21, 147, 154 and 272C.

A fiscal impact summary prepared by the Legislative Services Agency pursuant to Iowa Code § 17A.4(3) will be available at <http://www.legis.state.ia.us/IAC.html> or at (515) 281-5279 prior to the Administrative Rules Review Committee’s review of this rule making.

The following amendments are proposed.

ITEM 1. Amend rule **645—180.1(154)** by adopting the following **new** definition in alphabetical order:

“CELMO” means the Council on Endorsed Licensure Mobility for Optometrists.

ITEM 2. Rescind rule 645—180.3(154) and adopt the following **new** rule in lieu thereof:

**645—180.3(154) Licensure by endorsement.** An applicant who has been a licensed optometrist under laws of another jurisdiction for one year or more shall file an application for licensure by endorsement with the board office. An applicant for licensure to practice optometry in Iowa may only apply to be a therapeutically certified optometrist. The board may receive by endorsement any applicant from the District of Columbia or another state, territory, province or foreign country who:

**180.3(1)** Submits to the board a completed application;

**180.3(2)** Pays the licensure fee;

**180.3(3)** Provides an official copy of the transcript sent directly from the school to the board office. The transcript

## PROFESSIONAL LICENSURE DIVISION[645](cont'd)

shall show a doctor of optometry degree from an accredited school. In the case of foreign graduates, applicants shall provide evidence of adherence to the current requirements of the NBEO to sit for the examination;

**180.3(4)** Shows evidence of successful completion of the examination of the NBEO that was current at the time of initial licensure or successful completion of the examination that is currently offered by the NBEO;

**180.3(5)** Provides verification of license(s) from every jurisdiction in which the applicant has been licensed, sent directly from the jurisdiction(s) to the board office. Web-based verification may be substituted for verification direct from the jurisdiction's board office if the verification provides:

- a. Licensee's name;
- b. Date of initial licensure;
- c. Current licensure status; and
- d. Any disciplinary action taken against the license;

**180.3(6)** Provides a statement disclosing and explaining the applicant's involvement in civil litigation related to the practice of optometry in any jurisdiction of the United States, other nations or territories; and

**180.3(7)** Provides proof of current CELMO certification. Applicants who provide proof of current CELMO certification satisfy the educational requirements for licensure by endorsement. If an applicant is not CELMO-certified, then the applicant must show evidence of the following:

a. The applicant shall supply evidence of completion of a course that has particular emphasis on the examination, diagnosis and treatment of conditions of the human eye and adnexa, provided by an institution accredited by a regional or professional accreditation organization that is recognized or approved by the Council on Postsecondary Accreditation of the United States Department of Education; and

b. The applicant shall show evidence on the transcript of:

(1) Forty hours of didactic education and 60 hours of approved supervised clinical training in the examination, diagnosis, and treatment of conditions of the human eye and adnexa; and

(2) An additional 44 hours of education with emphasis on treatment and management of glaucoma and use of oral pharmaceutical agents for treatment and management of ocular diseases.

c. If the transcript does not show evidence of 40 hours of didactic education; 60 hours of approved supervised clinical training in the examination, diagnosis and treatment of conditions of the human eye and adnexa; and 44 hours of education with emphasis on treatment and management of glaucoma and use of oral pharmaceutical agents for treatment and management of ocular diseases, the applicant shall show satisfactory evidence of completion of a course that includes training in the above-listed areas.

d. Any transcript that shows graduation from an approved school of optometry after January 2, 1988, meets the requirement of 180.3(7)"b."

e. Any transcript that shows graduation from an approved school of optometry after January 2, 1986, meets the requirement of 180.3(7)"b"(1) of 40 hours of didactic education and 60 hours of approved supervised clinical training in the examination, diagnosis, and treatment of conditions of the human eye and adnexa. Applicants need to also show evidence of completion of the requirement in 180.3(7)"b"(2).

f. An applicant for licensure by endorsement shall provide proof of licensure and evidence of one year of active practice in another state, territory or district of the United States immediately preceding the date of application which

has a similar scope of practice to that required in Iowa as determined by the board. When the scope of practice is different, the applicant shall make available to the board evidence of completion of additional hours of training related to the area of the deficiency as prescribed by the board. The applicant may be exempt from the requirement of one year of active practice if, during the above-mentioned one-year period, the applicant was:

- (1) Teaching optometry;
- (2) A military optometrist;
- (3) A supervisory or administrative optometrist; or
- (4) A researcher in optometry.

**180.3(8)** Applicants for licensure by endorsement who were issued their Iowa licenses within six months prior to the renewal date shall not be required to renew their licenses until the renewal date two years later.

ITEM 3. Amend subrule **180.11(3)** as follows:

Amend paragraph "**a**," subparagraph (2), as follows:

(2) Verification of completion of 30 hours of continuing education for a diagnostically certified optometrist or 50 hours for a therapeutically certified optometrist within two years of the application for reactivation *unless the applicant provides proof of current CELMO certification. Proof of current CELMO certification satisfies continuing education requirements for the purpose of reactivation.*

Amend paragraph "**b**," subparagraph (2), as follows:

(2) Verification of completion of 60 hours of continuing education for a diagnostically certified optometrist or 100 hours for a therapeutically certified optometrist within two years of application for reactivation *unless the applicant provides proof of current CELMO certification. If the therapeutically certified optometrist provides proof of current CELMO certification the applicant must also verify completion of an additional 50 hours of continuing education within two years of application for reactivation.*

ITEM 4. Amend rule **645—181.1(154)** by adopting the following **new** definition in alphabetical order:

"CELMO" means the Council on Endorsed Licensure Mobility for Optometrists.

ITEM 5. Amend subrule **181.2(1)**, paragraph "**b**," as follows:

b. Requirements for therapeutic licensees. Each biennium, each person who is licensed to practice as a therapeutic licensee in this state shall be required to complete a minimum of 50 hours of continuing education approved by the board. ~~A minimum of 20 hours of continuing education per biennium shall be in the treatment and management of ocular disease.~~ Therapeutic licensees must comply with Iowa continuing education rules for license renewal and reinstatement regardless of the licensee's place of residence or place of practice.

ITEM 6. Amend paragraph **181.3(2)"a"** by rescinding subparagraph (4) and adopting the following **new** subparagraph (4) in lieu thereof:

(4) Therapeutic licensees who provide proof of current CELMO certification meet continuing education requirements for that biennium.

ITEM 7. Adopt **new** paragraph **181.3(2)"c"** as follows:

c. Required continuing education hours. Therapeutic licensees who provide proof of current CELMO certification meet continuing education requirements for that biennium. If the licensee does not have current proof of CELMO certifi-

## PROFESSIONAL LICENSURE DIVISION[645](cont'd)

education, then the following are required to meet the continuing education requirement in paragraph 181.2(1)"b":

(1) Twenty hours required from COPE Category B (Ocular Disease and Management) with 4 of the 20 hours as continuing education with examination (CEE); and

(2) Twenty hours required from COPE Category C (Related Systemic Disease) with 4 of the 20 hours as continuing education with examination (CEE); and

(3) Ten additional hours required from any of the COPE Categories of A, B, or C (Clinical Optometry).

ITEM 8. Amend subrule 181.4(2), introductory paragraph, as follows:

**181.4(2)** The licensee shall provide the following information to the board for auditing purposes *or in lieu thereof provide proof of current CELMO certification*:

**ARC 4599B****PROFESSIONAL LICENSURE  
DIVISION[645]****Notice of Intended Action**

Twenty-five interested persons, a governmental subdivision, an agency or association of 25 or more persons may demand an oral presentation hereon as provided in Iowa Code section 17A.4(1)"b."

Notice is also given to the public that the Administrative Rules Review Committee may, on its own motion or on written request by any individual or group, review this proposed action under section 17A.8(6) at a regular or special meeting where the public or interested persons may be heard.

Pursuant to the authority of Iowa Code section 147.76, the Board of Optometry Examiners hereby gives Notice of Intended Action to amend Chapter 180, "Licensure of Optometrists," Chapter 183, "Discipline for Optometrists," and Chapter 184, "Fees," Iowa Administrative Code.

The proposed amendments amend subrule 180.5(2) to allow a licensee who renews within six months of a new licensing cycle to wait until the subsequent renewal period to renew the license, corrects discipline rules by removing references to a lapsed license, and rescinds rule 645—184.1(147, 154) and adopts a new rule in lieu thereof. The new rule raises fees to fund changes to an antiquated software system and provide other services for licensees such as online renewals. The Board prenoticed the rule to provide licensees and the public an opportunity to comment on the proposed rule. The Board did not receive any comments during this prenotice period.

Any interested person may make written comments on the proposed amendments no later than November 15, 2005, addressed to Pierce Wilson, Professional Licensure Division, Department of Public Health, Lucas State Office Building, Des Moines, Iowa 50319-0075; E-mail [pwilson@idph.state.ia.us](mailto:pwilson@idph.state.ia.us).

A public hearing will be held on November 15, 2005, from 9:30 to 10 a.m. in the Fifth Floor Board Conference Room, Lucas State Office Building, at which time persons may present their views either orally or in writing. At the hearing, persons will be asked to give their names and addresses for the record and to confine their remarks to the subject of the proposed amendments.

These amendments are intended to implement Iowa Code chapters 21, 147, 154 and 272C.

A fiscal impact summary prepared by the Legislative Services Agency pursuant to Iowa Code § 17A.4(3) will be available at <http://www.legis.state.ia.us/IAC.html> or at (515) 281-5279 prior to the Administrative Rules Review Committee's review of this rule making.

The following amendments are proposed.

ITEM 1. Amend subrule 180.5(2) as follows:

**180.5(2)** An individual who was issued an ~~initial~~ *a* license within six months of the license renewal date will not be required to renew the license until the subsequent renewal two years later.

ITEM 2. Amend subrule 183.2(25) as follows:

**183.2(25)** Representing oneself as an optometry practitioner when one's license has been suspended or revoked, or when one's license is ~~lapsed or has been placed~~ on inactive status.

ITEM 3. Rescind rule 645—184.1(147,154) and adopt the following **new** rule in lieu thereof:

**645—184.1(147,154) License fees.** All fees are nonrefundable.

**184.1(1)** Licensure fee for license to practice optometry, licensure by endorsement, or licensure by reciprocity is \$300.

**184.1(2)** Biennial license renewal fee for each biennium is \$144.

**184.1(3)** Late fee for failure to renew before expiration date is \$60.

**184.1(4)** Reactivation fee is \$204.

**184.1(5)** Duplicate or reissued license certificate or wallet card fee is \$20.

**184.1(6)** Verification of license fee is \$20.

**184.1(7)** Returned check fee is \$25.

**184.1(8)** Disciplinary hearing fee is a maximum of \$75. This rule is intended to implement Iowa Code chapters 17A, 147, 154 and 272C.

**ARC 4593B****PROFESSIONAL LICENSURE  
DIVISION[645]****Notice of Intended Action**

Twenty-five interested persons, a governmental subdivision, an agency or association of 25 or more persons may demand an oral presentation hereon as provided in Iowa Code section 17A.4(1)"b."

Notice is also given to the public that the Administrative Rules Review Committee may, on its own motion or on written request by any individual or group, review this proposed action under section 17A.8(6) at a regular or special meeting where the public or interested persons may be heard.

Pursuant to the authority of Iowa Code section 147.76, the Board of Podiatry Examiners hereby gives Notice of Intended Action to amend Chapter 220, "Licensure of Podiatrists," Chapter 224, "Discipline for Podiatrists," and Chapter 225, "Fees," Iowa Administrative Code.

The proposed amendments amend subrule 220.9(2) to allow a licensee who renews within six months of a new licensing cycle to wait until the subsequent renewal period to re-

## PROFESSIONAL LICENSURE DIVISION[645](cont'd)

new the license, corrects discipline rules by removing references to a lapsed license, and rescinds rule 645—225.1(147, 149) and adopts a new rule in lieu thereof. The new rule raises fees to fund changes to an antiquated software system and provide other services for licensees such as online renewals. The Board prenoticed these amendments to provide licensees and the public an opportunity to comment on the proposed amendments. The Board did not receive any comments during this prenotice period.

Any interested person may make written comments on the proposed amendments no later than November 15, 2005, addressed to Pierce Wilson, Professional Licensure Division, Department of Public Health, Lucas State Office Building, Des Moines, Iowa 50319-0075; E-mail [pwilson@idph.state.ia.us](mailto:pwilson@idph.state.ia.us).

A public hearing will be held on November 15, 2005, from 9 to 9:30 a.m. in the Fifth Floor Board Conference Room, Lucas State Office Building, at which time persons may present their views either orally or in writing. At the hearing, persons will be asked to give their names and addresses for the record and to confine their remarks to the subject of the proposed amendments.

These amendments are intended to implement Iowa Code chapters 21, 147, 149 and 272C.

A fiscal impact summary prepared by the Legislative Services Agency pursuant to Iowa Code § 17A.4(3) will be available at <http://www.legis.state.ia.us/IAC.html> or at (515) 281-5279 prior to the Administrative Rules Review Committee's review of this rule making.

The following amendments are proposed.

ITEM 1. Amend subrule 220.9(2) as follows:

**220.9(2)** An individual who was issued an ~~initial~~ *a* license within six months of the license renewal date will not be required to renew the license until the subsequent renewal two years later.

ITEM 2. Amend subrule 224.2(26) as follows:

**224.2(26)** Representing oneself as a podiatrist when one's license has been suspended or revoked, or when one's license is ~~lapsed or has been placed~~ on inactive status.

ITEM 3. Rescind rule 645—225.1(147,149) and adopt the following **new** rule in lieu thereof:

**645—225.1(147,149) License fees.** All fees are nonrefundable.

**225.1(1)** Licensure fee for license to practice podiatry, licensure by endorsement, licensure by reciprocity or temporary license is \$120.

**225.1(2)** Biennial license renewal fee is \$168 for each biennium.

**225.1(3)** Late fee for failure to renew before expiration is \$60.

**225.1(4)** Reactivation fee is \$228.

**225.1(5)** Duplicate or reissued license certificate or wallet card fee is \$20.

**225.1(6)** Verification of license fee is \$20.

**225.1(7)** Returned check fee is \$25.

**225.1(8)** Disciplinary hearing fee is a maximum of \$75.

**225.1(9)** Temporary license renewal fee is \$84 per year.

This rule is intended to implement Iowa Code section 147.8 and Iowa Code chapters 17A, 149 and 272C.

**ARC 4584B****REAL ESTATE COMMISSION[193E]****Notice of Intended Action**

Twenty-five interested persons, a governmental subdivision, an agency or association of 25 or more persons may demand an oral presentation hereon as provided in Iowa Code section 17A.4(1)"b."

Notice is also given to the public that the Administrative Rules Review Committee may, on its own motion or on written request by any individual or group, review this proposed action under section 17A.8(6) at a regular or special meeting where the public or interested persons may be heard.

Pursuant to the authority of Iowa Code sections 543B.9 and 543B.18, the Real Estate Commission hereby gives Notice of Intended Action to amend Chapter 7, "Offices and Management," Iowa Administrative Code.

New subrule 7.4(8) is added to clarify that the prohibition provided by Iowa Code section 543B.60A includes persons who are not licensed in Iowa but who are licensed in another state or who are licensed or otherwise authorized to engage in the real estate business in a foreign country.

A public hearing will be held on November 15, 2005, at 10 a.m. in the Second Floor Professional Licensing Conference Room, 1920 SE Hulsizer, Ankeny, Iowa, at which time persons may present their views on the proposed amendment either orally or in writing. At the hearing, persons who wish to speak will be asked to give their names and addresses for the record and to confine their remarks to the subject of the proposed amendment.

Consideration will be given to all written suggestions or comments received before the end of the business day on November 15, 2005. Comments should be addressed to Roger Hansen, Executive Officer, Iowa Real Estate Commission, 1920 SE Hulsizer, Ankeny, Iowa 50021, or faxed to (515) 281-7411. E-mail may be sent to [roger.hansen@iowa.gov](mailto:roger.hansen@iowa.gov).

This amendment is intended to implement Iowa Code sections 543B.9 and 543B.18.

A fiscal impact summary prepared by the Legislative Services Agency pursuant to Iowa Code § 17A.4(3) will be available at <http://www.legis.state.ia.us/IAC.html> or at (515) 281-5279 prior to the Administrative Rules Review Committee's review of this rule making.

The following amendment is proposed.

Amend rule 193E—7.4(543B) by adopting the following **new** subrule:

**7.4(8)** Any arrangement prohibited by Iowa Code section 543B.60A. An Iowa licensee is prohibited from participating in any such marketing plan with a person who is licensed or otherwise authorized to engage in the real estate business in another state or foreign country.

**ARC 4595B****STATE PUBLIC DEFENDER[493]****Notice of Intended Action**

Twenty-five interested persons, a governmental subdivision, an agency or association of 25 or more persons may demand an oral presentation hereon as provided in Iowa Code section 17A.4(1)"b."

Notice is also given to the public that the Administrative Rules Review Committee may, on its own motion or on written request by any individual or group, review this proposed action under section 17A.8(6) at a regular or special meeting where the public or interested persons may be heard.

Pursuant to the authority of Iowa Code section 13B.4(8), the State Public Defender gives Notice of Intended Action to

STATE PUBLIC DEFENDER[493](cont'd)

amend Chapter 7, "Definitions," Chapter 10, "Eligibility Guidelines for Court-Appointed Counsel," Chapter 12, "Claims for Indigent Defense Services," Chapter 13, "Claims for Other Professional Services," and Chapter 14, "Claims for Attorney Fees in 600A Terminations," Iowa Administrative Code.

These proposed amendments modify definitions and rules concerning submission of claims for indigent defense services.

Interested persons may make written comments or suggestions on the proposed amendments on or before November 15, 2005. Written materials should be addressed to the State Public Defender, Lucas State Office Building, 4th Floor, 321 East 12th Street, Des Moines, Iowa 50319-0087, faxed to (515)281-7289, or E-mailed to [msmith@spd.state.ia.us](mailto:msmith@spd.state.ia.us).

There will be a public hearing on November 15, 2005, at 9 a.m. in Conference Room 422 of the Lucas State Office Building, at which time persons may present their views either orally or in writing. At the hearing, persons will be asked to give their names and addresses for the record and to confine their remarks to the subject of the amendments.

Any persons who intend to attend the public hearing and have special requirements such as those related to hearing or mobility impairments should contact and advise the State Public Defender of specific needs.

These amendments are intended to implement Iowa Code chapters 13B, 600A, and 815.

A fiscal impact summary prepared by the Legislative Services Agency pursuant to Iowa Code § 17A.4(3) will be available at <http://www.legis.state.ia.us/IAC.html> or at (515) 281-5279 prior to the Administrative Rules Review Committee's review of this rule making.

The following amendments are proposed.

ITEM 1. Amend rule **493—7.1(13B,815)** as follows:

Amend the following definitions:

"Date of service" means, for adult fee claims, the date on which of filing of an order indicating that the case was dismissed or the client was acquitted or sentenced, the date of mistrial, the date warrant was issued for the client, or the date of the attorney's withdrawal from the a case which is not dismissed or in which the defendant is not acquitted. If a motion for reconsideration is filed, the date on which the court rules on that motion is the date of service. For interim claims, date of service means the last date on the itemization. For juvenile claims, date of service means the date of filing of an order as a result of the dispositional hearing or most recent review hearing, the date of the attorney's withdrawal from a case that was not dismissed, the date jurisdiction is waived to adult court, the date on which venue is changed, or the date of dismissal. For noncontract appellate claims, date of service means the date on which the case is disposed of or dismissed. For contract attorneys, date of service means the date of filing of the page-proof brief or final brief. For claims filed as a result of a notice of action letter, date of service means the date of the notice of action letter. For claims filed as a result of a court order after hearing for review of the fee claim, date of service means the date of the order.

"Juvenile proceeding" means a case in juvenile court under Iowa Code chapter 232 wherein the attorney acts as guardian ad litem for the child in interest or provides legal counsel for the child, parent, guardian or custodian.

"Timely claim" means a claim submitted to the state public defender for payment within 45 days of the date of service in a case in which the attorney was appointed after June 30, 2004. For parole violation cases to which the attorney was

appointed after November 10, 2004, and before May 5, 2005, a claim is timely if submitted to the state public defender for payment before June 20, 2005. A timely claim returned to the claimant for additional information shall continue to be deemed timely only if resubmitted with the required information within 20 days of being returned by the state public defender.

Rescind the following definition:

~~"Good cause" means a sound, effective and truthful reason. Good cause is something more than an excuse, plea, apology, extenuation, or some justification. Inadvertence or oversight does not constitute good cause.~~

ITEM 2. Amend subrule 10.5(5) as follows:

**10.5(5)** Income between 125 percent and 200 percent of the poverty level. If the applicant's household income is greater than 125 percent, but less than 200 percent of the poverty level, the applicant is not entitled to appointed counsel unless the court determines and makes a written finding that not appointing counsel on the pending charge would cause the applicant substantial financial hardship. In determining whether substantial financial hardship would result, the court should consider not only the applicant's income, but also the availability of any assets subject to execution and the seriousness of the charge.

ITEM 3. Amend subrule 10.5(6) as follows:

**10.5(6)** Income 200 percent or greater of the poverty level. If the applicant's household income is 200 percent or greater of the poverty level, the applicant is not entitled to appointed counsel unless the applicant is charged with a felony and the court determines and makes a written finding that not appointing counsel on the pending charge would cause the applicant substantial financial hardship. In determining whether substantial financial hardship would result, the court should consider not only the applicant's income, but also the availability of any assets subject to execution and the seriousness of the charge.

ITEM 4. Amend rule 493—10.7(815) as follows:

Amend subrule **10.7(1)**, the finding portion of the Order, as follows:

The Court finds as follows:

- Not eligible for court-appointed counsel.
- Income at or below 125% of guidelines, defendant unable to pay an attorney.
- Income between 125% and 200% of guidelines, not appointing would cause substantial financial hardship.
- Income 200% or more of guidelines, felony charge, not appointing would cause substantial financial hardship.

Amend subrule **10.7(2)**, the finding portion of the Order, as follows:

The Court finds as follows:

- Not eligible for court-appointed counsel.
- Child eligible for court-appointed counsel, parent may be responsible for attorney fees.
- Applicant eligible for court-appointed counsel, not appointing counsel would constitute substantial financial hardship considering income, assets, and nature of the proceedings.

## STATE PUBLIC DEFENDER[493](cont'd)

ITEM 5. Amend subrule **12.2(1)**, paragraph “**b**,” as follows:

b. A copy of ~~the signed order~~ *all orders* appointing the attorney to the case.

(1) The appointment order must *be signed by the court and* either be dated by the court or have a legible file-stamp.

(2) No change.

(3) ~~An appointment order is not necessary if the attorney previously submitted an indigent defense fee claim and was paid on the case. If the venue is changed in a juvenile case, an order appointing the attorney in the new county must be submitted.~~

(4) No change.

ITEM 6. Amend subrule **12.2(1)**, paragraph “**d**,” as follows:

d. A copy of any court order that affects the amount to be paid *or the client's right to counsel*.

ITEM 7. Amend subrule **12.2(1)**, paragraph “**e**,” as follows:

e. An itemization detailing all work performed on the case for which the attorney seeks compensation.

(1) The itemization must separately state the date and amount of time spent on each activity. *Time may be reported in either tenths or hundredths of an hour on the itemization but* must be recorded in tenths of an hour on the claim form. *Time listed in hundredths of an hour on the claim form* will be reduced to the nearest tenth of an hour.

(2) The itemization shall separately designate time claimed for in-court time, out-of-court time, paralegal time and travel time.

(3) The itemization must be in chronological order.

(4) *The itemization must be typed in at least 10-point type on 8½" × 11" paper.*

ITEM 8. Amend subrule 12.6(1) as follows:

**12.6(1)** Adult cases. The state public defender establishes fee limitations for combined attorney time and paralegal time for the following categories of adult cases:

Class A felonies	\$15,000
Class B felonies	\$3,500
Class C felonies	\$1,200
Class D felonies	\$1,000
Aggravated misdemeanors	\$1,000
Serious misdemeanors	\$500
Simple misdemeanors	\$250
Simple misdemeanor appeals to district court	\$250
Contempt/show cause proceedings	\$250
Proceedings under Iowa Code chapter 229A	\$10,000
Probation/parole violation	\$250
Extradition	\$250
Postconviction relief—the greater of \$1,000 or ½ <i>one-half</i> of the fee limitation for the conviction from which relief is sought.	

Nothing in this subrule is intended to in any manner diminish, increase, or modify the state public defender's authority to review any and all claims for services as authorized by the Iowa Code.

The fee limitations are applied separately to each case, as that term is defined in rule 493—7.1(13B,815). If more than one charge is included within a case, the charge with the higher fee limitation will apply to the entire case.

For example, in an adult criminal proceeding, if an attorney is appointed to represent a client charged with four counts of forgery, *and if the client were charged in four separate trial informations*, the fee limitations for each charge

would apply separately. *If all four charges were contained in one trial information, the fee limitation would be \$1,000 even if there were more than one separate occurrence.* If the attorney were appointed to represent a person charged with a drug offense and failure to possess a tax stamp, the fee limitation would be the limitation for the offense with the higher limitation, not the total of the limitations.

If the Iowa Code section listed on the claim form defines multiple levels of crimes and the claimant does not list the specific level of crime on the claim form, the state public defender will use the least serious level of crime in reviewing the claim.

For example, Iowa Code section 321J.2 defines crimes ranging from a serious misdemeanor to a Class D felony. If the attorney does not designate the subsection defining the level of the crime, the state public defender will deem the charge to be a serious misdemeanor.

~~In a criminal case with multiple charges, the fee limitation for the more serious charge is the fee limitation for the case.~~

ITEM 9. Amend subrule 12.6(5) as follows:

**12.6(5)** Retroactivity of authorization. Authorization to exceed the fee limitations shall be effective only as to services performed after a request for authorization to exceed the fee limitations is filed with the court unless the court enters an order specifically authorizing a late filing of the application and finding that good cause exists excusing the attorney's failure to file the application prior to the attorney's exceeding the fee limitations. *“Good cause” as used in this subrule means a sound, effective and truthful reason. “Good cause” is more than an excuse, plea, apology, extenuation, or some justification. Inadvertence or oversight does not constitute good cause.* Retroactive court orders entered after the date of the state public defender's action on a claim are void. See Iowa Code section 13B.4(4).

ITEM 10. Amend subrule **12.7(1)**, paragraph “**g**,” as follows:

g. In claims for the cost of an evaluation *requested by an appointed attorney*, the attorney will be reimbursed for the reasonable cost of an evaluation of the client to establish a defense in the case or to determine if the client is competent to stand trial. In either instance, a copy of the court order authorizing the evaluation for one of these specific purposes and an order approving the amount of the evaluation must accompany the claim form. *Claims for the cost of an evaluation to be used for any other purpose, such as sentencing or placement, will not be reimbursed.*

ITEM 11. Amend subrule **12.8(1)**, paragraph “**e**,” as follows:

e. Ordinary and necessary postage, toll calls, collect calls, and parking for the actual cost of these expenses. Toll and collect calls will be reimbursed at 10 cents per minute or the actual cost. A receipt for the actual cost must be attached to the claim form. A statement from a correctional facility or jail detailing a standard rate for such calls shall constitute a receipt for purposes of this paragraph. *For parking in excess of \$2, a receipt must be attached to the claim form. Claims for the cost of a parking ticket will be denied.*

ITEM 12. Amend subrule **12.9(2)**, paragraph “**b**,” as follows:

b. Unless the state public defender *appears or* specifically indicates an intention to appear in person at the hearing, the state public defender shall participate by telephone. If the state public defender participates by telephone, the state public defender shall be responsible for initiating and paying for

STATE PUBLIC DEFENDER[493](cont'd)

the telephone call. *If the attorney intends to participate by telephone, the attorney shall notify the state public defender of this intent and provide a telephone number for the hearing at least two business days prior to the date scheduled for the hearing.*

ITEM 13. Amend subrule **13.2(2)**, paragraph “c,” as follows:

c. One copy of each of the following documents is attached to the claim:

(1) The application and order ~~granting authority to hire~~ *appointing the interpreter. This appointment is presumed to continue until the conclusion of the matter, unless limited by the court or modified by a subsequent order.*

(2) The order appointing counsel. This order is unnecessary if the attorney is not court-appointed but the court, in granting the application ~~noted above for the appointment of the interpreter~~, makes one of the following specific findings:

1. The client is indigent, or
2. Although the client is able to employ counsel, funds are not available to the client to pay for necessary interpreter services.

(3) An itemization of the interpreter’s services detailing the expenses incurred, the services rendered, the date(s) on which the services were rendered, the time spent on each date including the time services began and ended on each day, and the manner in which the amount of the claim for services was calculated. *With regard to expenses and services, the following shall apply:*

1. *Claims for mileage reimbursement will be approved at the maximum rate of 30 cents per mile.*

2. *Claims for travel time will be denied, unless approved in advance by the state public defender.*

3. *Actual parking costs are reimbursable. Receipts are required for actual costs of \$2 or more per day.*

4. *Claims for translating documents will be paid by the hour, not by the word or line.*

5. *A minimum charge of up to one hour may be charged for services. Duplications of the same minimum charge are not permitted. If services are provided in more than one case during the minimum period, the minimum charge will be apportioned among the cases involved.*

(4) A court order setting the maximum dollar amount of the claim. ~~For purposes of this subrule, if the court order that authorizes hiring the interpreter sets a limit for the claim, this court order is unnecessary.~~

ITEM 14. Amend subrule 13.2(5), introductory paragraph, as follows:

**13.2(5)** Claims for court-ordered evaluations. The state public defender shall review, approve and forward payment claims for necessary and reasonable evaluations *requested by an appointed attorney only if the purpose of the evaluation is to establish a defense or to determine whether an indigent is competent to stand trial, and not for any other purpose such as sentencing or placement*, if the following conditions are met:

ITEM 15. Amend rule 493—14.3(13B,600A,815) as follows:

**493—14.3(13B,600A,815) Hourly rate and fee limitations.** Unless the attorney has a contract with the state public defender that provides for a different rate or manner of payment *specifically for cases under Iowa Code chapter 600A*, claims for attorney fees in a termination of parental rights case under Iowa Code chapter 600A shall be paid at the rate of \$50 per hour, with a fee limitation of \$500 *for the trial court*

*proceedings and \$500 for appellate proceedings.* Claims shall not be approved for an amount in excess of ~~this~~ *these* fee ~~limitation~~ *limitations*.

ITEM 16. Amend rule 493—14.4(13B,600A,815) as follows:

**493—14.4(13B,600A,815) Limitations on other charges and expenses.** *For appeals, the state public defender shall approve claims for the actual cost of a transcript and printing of necessary briefs.* The state public defender shall not approve claims for travel time, paralegal time, or other out-of-pocket expenses *at the trial or appellate level.*

## ARC 4604B

### TRANSPORTATION DEPARTMENT[761]

#### Notice of Intended Action

Notice is also given to the public that the Administrative Rules Review Committee may, on its own motion or on written request by any individual or group, review this proposed action under section 17A.8(6) at a regular or special meeting where the public or interested persons may be heard.

Pursuant to the authority of Iowa Code sections 307.10, 307.12, 321.449 and 321.450, the Department of Transportation hereby gives Notice of Intended Action to amend Chapter 520, “Regulations Applicable to Carriers,” Iowa Administrative Code.

Iowa Code section 321.449 requires the Department to adopt rules consistent with the Federal Motor Carrier Safety Regulations (FMCSR) promulgated under United States Code, Title 49, and found in 49 Code of Federal Regulations (CFR), Parts 385 and 390 to 399. Iowa Code section 321.450 requires the Department to adopt rules consistent with the Federal Hazardous Materials Regulations (HMR) promulgated under United States Code, Title 49, and found in 49 CFR Parts 107, 171 to 173, 177, 178 and 180. To ensure the consistency required by statute, the Department annually adopts the specified parts of 49 CFR as adopted by the United States Department of Transportation.

Commercial vehicles transporting goods in interstate commerce are subject to the FMCSR on the effective dates specified in the Federal Register (FR). Commercial vehicles transporting hazardous materials in interstate commerce or transporting certain hazardous materials intrastate are subject to the HMR on the effective dates specified in the FR. The adoption of the federal regulations by the Department will extend the enforcement of the regulations to commercial vehicles operated intrastate unless exempted by statute.

Proposed federal regulations are published in the FR to allow a period for public comment, and, after adoption, the final regulations are again published in the FR. Each year, a revised edition of 49 CFR is published, incorporating all of the final regulations adopted during the year. Although revised editions of 49 CFR are usually dated October or November, the publication is not actually available in Iowa for several months after that date.

The amendments to the FMCSR and the HMR that have become final and effective since the 2004 edition of the CFR are listed in the information below. The parts affected are followed by FR citations.

## TRANSPORTATION DEPARTMENT[761](cont'd)

Amendments to the FMCSR and Federal HMRParts 171 and 173 (FR Vol. 69, No. 190, Page 58841, 10-01-04)

This final rule corrects errors in a final rule published in the FR on September 13, 2004, that amended requirements in the HMR pertaining to the transportation of radioactive materials.

Parts 171, 172 and 173 (FR Vol. 69, No. 213, Page 64462, 11-04-04)

This final rule amends the HMR to improve hazard communication for hazardous materials transported in commerce.

Parts 171, 173, 177, and 178 (FR Vol. 69, No. 235, Page 70902, 12-08-04)

This rule delays the effective date of the final rule published on October 30, 2003, clarifying the applicability of the HMR to loading, unloading and storage operations, from January 1, 2005, until June 1, 2005.

Parts 171, 172, 173, 178 and 180 (FR Vol. 69, No. 243, Page 76044, 12-20-04)

In this final rule, the Research and Special Programs Administration is amending the HMR to maintain alignment with international standards by incorporating various amendments, including changes to proper shipping names, hazard classes, packaging groups, special provisions, packaging authorizations, air transport quantity limitations and vessel stowage requirements. These revisions are necessary to facilitate the transport of hazardous materials in international commerce.

Parts 171, 173, and 177 (FR Vol. 70, No. 14, Page 3302, 01-24-05)

This final rule amends the HMR by incorporating into the regulations the provisions of certain widely used exemptions which have established a history of safety and which may be converted into regulations for general use. Minor revisions are also made to the requirements for use of packaging authorized under exemptions. The revisions provide wider access to the benefits of the provisions granted in these exemptions and eliminate the need for the current exemption holders to reapply for renewal of the exemption.

Parts 390, 392 and 393 (FR Vol. 70, No. 156, Page 48008, 08-15-05)

This final rule amends Part 393 of the FMCSR, Parts and Accessories Necessary for Safe Operation. The amendments are intended to remove obsolete and redundant regulations; respond to several petitions for rule making; provide improved definitions of vehicle types, systems, and components; resolve inconsistencies between Part 393 and the National Highway Traffic Safety Administration's Federal Motor Vehicle Safety Standards (49 CFR Part 571).

Parts 385, 390 and 395 (FR Vol. 70, No. 164, Page 49979, 08-25-05)

This final rule concerns hours-of-service for commercial motor vehicle drivers. The rule addresses requirements for driving, duty, and off-duty time; a recovery period; sleeper berth; and new requirements for short-haul drivers.

The other amendment to this chapter states that operators of vehicles for hire, designed to transport 7 or more persons, but fewer than 16, including the driver, are not exempt from logbook requirements afforded the 100-air-mile radius driver under 49 CFR 395.1(e).

Various portions of the federal regulations and Iowa statutes allow some exceptions when the exceptions will not adversely impact the safe transportation of commodities on the nation's highways. Granting additional exceptions for driv-

ers and the motor carrier industry in Iowa would adversely impact the safety of the traveling public in Iowa.

Any person or agency may submit written comments concerning these proposed amendments or may submit a written request to make an oral presentation. The comments or request shall:

1. Include the name, address, and telephone number of the person or agency authoring the comments or request.

2. Reference the number and title of the proposed rule, as given in this Notice, that is the subject of the comments or request.

3. Indicate the general content of a requested oral presentation.

4. Be addressed to the Department of Transportation, Director's Staff Division, 800 Lincoln Way, Ames, Iowa 50010; fax (515)239-1639; Internet E-mail address: [tracy.george@dot.iowa.gov](mailto:tracy.george@dot.iowa.gov).

5. Be received by the Director's Staff Division no later than November 15, 2005.

A meeting to hear requested oral presentations is scheduled for Thursday, November 17, 2005, at 10 a.m. in the DOT conference room at Park Fair Mall, 100 Euclid Avenue, Des Moines, Iowa.

The meeting will be canceled without further notice if no oral presentation is requested.

The proposed amendments may have an impact on small business. A request for a regulatory analysis pursuant to Iowa Code section 17A.4A must be received by the Director's Staff Division at the address listed in this Notice no later than November 28, 2005.

These amendments are intended to implement Iowa Code chapter 321.

A fiscal impact summary prepared by the Legislative Services Agency pursuant to Iowa Code § 17A.4(3) will be available at <http://www.legis.state.ia.us/IAC.html> or at (515) 281-5279 prior to the Administrative Rules Review Committee's review of this rule making.

Proposed rule-making actions:

ITEM 1. Amend paragraph **520.1(1)“a”** as follows:

a. Motor carrier safety regulations. The Iowa department of transportation adopts the Federal Motor Carrier Safety Regulations, 49 CFR Parts 385 and 390-399 (October 1, 2004 2005).

ITEM 2. Amend paragraph **520.1(1)“b”** as follows:

b. Hazardous materials regulations. The Iowa department of transportation adopts the Federal Hazardous Materials Regulations, 49 CFR Parts 107, 171-173, 177, 178, and 180 (October 1, 2004 2005).

ITEM 3. Amend paragraph **520.1(2)“c”** as follows:

c. Operators of vehicles for hire, designed to transport 7 or more persons, but fewer than 16, including the driver, must comply with 49 CFR Part 395 of the Federal Motor Carrier Safety Regulations. *In addition, operators of vehicles designed to transport 7 or more persons, but fewer than 16, including the driver, are not exempt from logbook requirements afforded the 100-air-mile radius driver under 49 CFR 395.1(e).* However, the provisions of 49 CFR Part 395 shall not apply to vehicles offered to the public for hire that are used principally in intracity operation and are regulated by local authorities.

NOTICE—PUBLIC FUNDS INTEREST RATES

**NOTICE—PUBLIC FUNDS INTEREST RATES**

In compliance with Iowa Code chapter 74A and section 12C.6, the committee composed of Treasurer of State Michael L. Fitzgerald, Superintendent of Credit Unions James E. Forney, Superintendent of Banking Thomas B. Gronstal, and Auditor of State David A. Vaudt have established today the following rates of interest for public obligations and special assessments. The usury rate for October is 6.00%.

**INTEREST RATES FOR PUBLIC OBLIGATIONS AND ASSESSMENTS**

- 74A.2 Unpaid Warrants . . . . . Maximum 6.0%
- 74A.4 Special Assessments . . . . . Maximum 9.0%

**RECOMMENDED** Rates for Public Obligations (74A.3) and School District Warrants (74A.7). A rate equal to 75% of the Federal Reserve monthly published indices for U.S. Government securities of comparable maturities. All Iowa Banks and Iowa Savings Associations as defined by Iowa Code section 12C.1 are eligible for public fund deposits as defined by Iowa Code section 12C.6A.

The rate of interest has been determined by a committee of the state of Iowa to be the minimum interest rate that shall be paid on public funds deposited in approved financial institu-

tions. To be eligible to accept deposits of public funds of the state of Iowa, a financial institution shall demonstrate a commitment to serve the needs of the local community in which it is chartered to do business. These needs include credit services as well as deposit services. All such financial institutions are required to provide the committee with a written description of their commitment to provide credit services in the community. This statement is available for examination by citizens.

New official state interest rates, effective October 11, 2005, setting the minimums that may be paid by Iowa depositories on public funds are listed below.

**TIME DEPOSITS**

- 7-31 days . . . . . Minimum 1.50%
- 32-89 days . . . . . Minimum 2.05%
- 90-179 days . . . . . Minimum 2.35%
- 180-364 days . . . . . Minimum 2.70%
- One year to 397 days . . . . . Minimum 2.90%
- More than 397 days . . . . . Minimum 4.20%

These are minimum rates only. The one year and less are four-tenths of a percent below average rates. Public body treasurers and their depositories may negotiate a higher rate according to money market rates and conditions.

Inquiries may be sent to Michael L. Fitzgerald, Treasurer of State, State Capitol, Des Moines, Iowa 50319.

## ARC 4585B

NATURAL RESOURCE  
COMMISSION[571]

## Adopted and Filed Emergency

Pursuant to the authority of 2005 Iowa Acts, Senate File 206, section 16, the Natural Resource Commission hereby adopts new Chapter 115, "Whitetail Hunting Preserves," Iowa Administrative Code.

New Chapter 115 is intended to implement the requirements and procedures of 2005 Iowa Acts, Senate File 206, sections 14 to 26, which regulate the establishment and operation of whitetail hunting preserves.

In compliance with Iowa Code section 17A.4(2), the Commission finds that notice and public participation are impracticable because of the immediate need to place this chapter into effect for existing preserve operators.

The Commission also finds, pursuant to Iowa Code section 17A.5(2)"b"(2), that the normal effective date of the amendment should be waived and this rule making should be made effective upon filing with the Administrative Rules Coordinator on September 29, 2005, as it confers a benefit upon the whitetail preserve operators who are currently involved with fall whitetail hunting and reservations already placed by hunters.

The Natural Resource Commission adopted this amendment September 28, 2005.

This rule making is also published herein under Notice of Intended Action as **ARC 4586B** to allow public comment. This emergency filing permits the Department to comply with the requirements of 2005 Iowa Acts, Senate File 206, sections 14 to 26 [new Iowa Code chapter 484C].

These rules are intended to implement 2005 Iowa Acts, Senate File 206, sections 14 to 26.

These rules became effective September 29, 2005.

A fiscal impact summary prepared by the Legislative Services Agency pursuant to Iowa Code § 17A.4(3) will be available at <http://www.legis.state.ia.us/IAC.html> or at (515) 281-5279 prior to the Administrative Rules Review Committee's review of this rule making.

The following amendment is adopted.

Adopt **new** 571—Chapter 115 as follows:

## CHAPTER 115

## WHITETAILED HUNTING PRESERVES

**571—115.1(81GA,SF206) Definitions.** As used in these rules:

"Annual activity report" means the Annual Report Form provided by the department.

"Boundary sign" means a sign prescribed by the department which, when posted, designates the registered hunting preserve boundaries.

"Documented event" means but is not limited to the birth, death, harvest, transfer, sale, purchase, escape or release of preserve whitetail.

"Privately owned" means the propagation and holding of whitetail whose origins are from privately owned populations.

"Registrant" means a person or organization that holds an interest in land including a title holder that registers annually to possess a whitetail hunting preserve operator's registration issued by the Iowa department of natural resources.

"Transportation tag" means a self-adhesive, numbered tag for marking an individual whitetail carcass prior to transportation.

"Whitetail" means an animal belonging to the Cervidae family and classified as part of the virginianus species of the odocoileus genus.

"Whitetail hunting preserve operator's annual registration" means a registration which authorizes the holder to establish a hunting preserve for the purpose of holding, propagating, and releasing privately owned whitetail for hunting purposes.

**571—115.2(81GA,SF206) Hunting preserve operator's registration.** A hunting preserve operator's registration may, following review and inspection, be issued to a person or organization that, upon application, complies with all requirements established in 2005 Iowa Acts, Senate File 206, section 17, and this chapter. The registration fee shall be \$350 annually. Renewal registration fees shall be due and payable to the department no later than June 30 and must be accompanied by a completed annual report of the current fiscal year.

**571—115.3(81GA,SF206) Boundary signs required.** All registered hunting preserves shall provide, post, and maintain boundary signs which meet the following minimum specifications: 160 square-inch surface area; sign material of wood, steel, aluminum or heavy poly-plastic; and white/red sign color combination with the message "Registered Hunting Preserve." Boundary signs shall be posted at each entrance and perimeter gate and at every boundary corner. If the facility operated prior to September 1, 2005, and was signed as a "Licensed Hunting Preserve," those signs will satisfy the signing requirement. However, once existing sign supplies are depleted, new signs must read "Registered Hunting Preserve."

**571—115.4(81GA,SF206) Fencing required.** All registered hunting preserves that possess a valid hunting preserve registration for whitetail shall construct and maintain a "deer-proof" boundary fence. Preserves shall have fencing constructed and maintained with a minimum fence height of eight feet above ground level. Fencing shall be inspected and approved by officers of the department prior to registration. Follow-up fence inspections by the department shall be allowed at any reasonable time by appointment or by providing the landowner or preserve registrant with at least 48 hours' notice. Boundary fence gates shall remain closed at all times except for preserve maintenance activity, at which time no open gate shall be left unattended.

**571—115.5(81GA,SF206) Records and annual report.** All registered hunting preserves shall submit a completed annual activity report no later than June 30 of the current year to the Law Enforcement Bureau, Iowa Department of Natural Resources, Wallace State Office Building, 502 East 9th Street, Des Moines, Iowa 50319-0034. All registered hunting preserves shall retain sales/shipping receipts involving the purchase and delivery of any whitetail to the registrant. All registered hunting preserves shall record any transaction involving the sale or purchase of whitetail. All original sales receipts for harvested whitetail shall remain with the registrant as a part of the permanent record, and a copy shall be provided to the purchasing client. This record requirement shall also apply to any sale of live whitetail for private or commercial use, and the sale must be recorded immediately following the event.

**571—115.6(81GA,SF206) Whitetail transportation tags.** A numbered, self-adhesive transportation tag shall be placed on a leg of each whitetail harvested on a registered hunting

## NATURAL RESOURCE COMMISSION[571](cont'd)

preserve prior to a person's moving the carcass in any manner. The client shall, upon taking a whitetail, immediately validate the transportation tag by including the following information in the space provided: species and sex of animal taken and the client's signature. The client shall also notch or punch a hole in the corresponding blocks on the transportation tag designating the year, month and day the animal was taken. The transportation tag shall remain attached to the whitetail until the whitetail is processed for consumption. Transportation tags shall be purchased from the license bureau of the Iowa Department of Natural Resources, Wallace State Office Building, 502 East 9th Street, Des Moines, Iowa 50319-0034, at a cost of \$1 per tag.

**571—115.7(81GA,SF206) Processed whitetail.** Registered hunting preserves may prepare whitetail for clients by cleaning, dressing, preserving, and packaging the meat. Packaging material shall bear the transportation tag number, date the animal was killed, and hunting preserve name in a legible fashion on the outside of the package. The transportation tag shall remain with the meat during processing and shipment.

**571—115.8(81GA,SF206) Health requirements—whitetail.** No whitetail shipped or transported into or within Iowa shall be affected with or recently exposed to any infectious, contagious, or communicable disease, or originate from a quarantined area. All whitetail shipped or transported into or within Iowa for hunting preserve purposes must be in compliance with all movement requirements, including but not limited to health certificate requirements, as prescribed by the department and the department of agriculture and land stewardship as established in 21—65.9(163) and 21—66.14(163). All veterinary inspection certificates shall be retained by the registrant for a period of no less than five years.

**571—115.9(81GA,SF206) Chronic wasting disease testing.**

**115.9(1) Testing required.** A person who keeps whitetail under this chapter shall have chronic wasting disease tests performed on the following:

- a. Any whitetail that dies or is killed on the premises. A person trained and authorized shall collect the test sample and shall submit the sample for testing at an approved laboratory. This paragraph does not apply to whitetail less than six months old.
- b. Any whitetail that is shipped to slaughter from the herd premises. A person trained and authorized shall collect the test sample after the whitetail is slaughtered and shall submit the sample for testing at an approved laboratory. This paragraph does not apply to whitetail less than six months old.
- c. Testing under this subrule shall not qualify the herd for certification in the chronic wasting disease program administered by the department of agriculture and land stewardship. No live animals will be allowed to leave the hunting preserves.

**115.9(2) Collecting test samples.** One of the following persons shall collect a test sample and submit it for testing:

- a. A certified veterinarian.
- b. An employee of the department authorized by the department.
- c. A person approved by the department. Before a person collects a test sample, that person shall complete training approved by the department. The person shall comply with standard veterinary procedures when collecting a test sample.

**115.9(3) Reporting disease findings.** Whenever any person receives a laboratory test result for chronic wasting disease, that person shall immediately report that result to the department. The person shall report by telephone, fax or other rapid means within one day after receiving the test result and shall report in writing within ten days. The person shall provide a copy of the test result to the owner of the tested whitetail. This reporting requirement applies to any laboratory test result for chronic wasting disease. Telephone and fax reports should be made to the following numbers: telephone (515)281-6156 or fax (515)281-6794. Written reports should be sent to Iowa Department of Natural Resources, 502 E. 9th Street, Des Moines, Iowa 50319-0034, Attn: Wildlife Bureau.

**571—115.10(81GA,SF206) Positive chronic wasting disease test results.** A positive test result for chronic wasting disease will result in a minimum of a five-year quarantine on the preserve and all remaining animals located within the infected preserve. No animal movement in or out of the preserve shall occur during the quarantine period. The preserve operator, the operator's veterinarian if requested, and a designated epidemiologist shall develop a plan for eradicating chronic wasting disease in each affected herd. The plan must be designed to reduce and then eliminate chronic wasting disease from the herd; to prevent the spread of the disease to other herds, both privately owned and wild; and to prevent reintroduction of chronic wasting disease after the herd is released from quarantine. The herd plan must be developed and signed within 30 days after the determination that the herd is infected. The plan must be formalized as a memorandum of agreement between the preserve operator, the department and the state veterinarian's office. Disposal of infected animals must be in accordance with 571—104.11(481A). Premises must be cleaned and disinfected under department supervision within 15 days after affected animals have been removed.

**571—115.11(81GA,SF206) General conditions for registration.**

1. Records shall be available for inspection by officers of the department during any reasonable hours.
2. All records and reports shall be kept current and shall reflect a true and accurate account of the registrant's activities.
3. The department's law enforcement bureau shall be notified within 30 days in writing if the registrant ceases operation as a hunting preserve, at which time all unused whitetail transportation tags shall be returned to the department.
4. A registrant shall renew the hunting preserve operator's registration and recertify no later than June 30. Registration renewal and recertification requests received by the department after June 30 shall be considered delinquent.
5. The department shall not renew a hunting preserve operator's registration unless a completed annual report, including all documented events for the reporting period, has been received by the department prior to the reporting deadline.
6. For purposes of this chapter, there shall be a continuous open season on whitetail enclosed on registered preserves.
7. Individuals may use centerfire rifles, pistols, crossbows, modern or traditional archery equipment, muzzleloaders, or shotguns to hunt and harvest preserve whitetail.

NATURAL RESOURCE COMMISSION[571](cont'd)

These rules are intended to implement 2005 Iowa Acts, Senate File 206, sections 14 to 26.

[Filed Emergency 9/29/05, effective 9/29/05]

[Published 10/26/05]

EDITOR'S NOTE: For replacement pages for IAC, see IAC Supplement 10/26/05.

## ARC 4600B

### PUBLIC SAFETY DEPARTMENT[661]

#### Adopted and Filed Emergency After Notice

Pursuant to the authority of Iowa Code section 100.35, the Department of Public Safety hereby amends Chapter 5, "Fire Marshal," Iowa Administrative Code.

Authority for establishment and enforcement of fire safety requirements in Iowa is shared by the State Fire Marshal and cities and counties. Rules of the State Fire Marshal apply statewide and may be supplemented by a local fire safety ordinance. With certain limited exceptions, enforcement of Fire Marshal rules is carried out by local jurisdictions when they have enforcement capabilities. Rules of the Fire Marshal are generally based on provisions contained in standards and codes published by the National Fire Protection Association, and these publications often are adopted in local fire safety ordinances. However, a number of local Iowa jurisdictions have adopted fire safety ordinances which adopt the International Fire Code, published by the International Code Council as part of the "family" of international codes, which includes the International Building Code.

The Fire Marshal has determined that enforcement of both rules of the State Fire Marshal and the International Fire Code, for most occupancies, is potentially confusing and needlessly duplicative and that compliance with the International Fire Code would generally provide a level of fire safety equivalent to compliance with the rules of the Fire Marshal. Therefore, these rules contain a provision which deems an occupancy to be in compliance with the rules of the Fire Marshal if the occupancy is in a jurisdiction which (1) has adopted a local fire safety ordinance which requires compliance with the provisions of the International Fire Code and (2) has a local fire enforcement program and the occupancy is found by the local jurisdiction to be in compliance with the local fire ordinance. This provision will not, however, apply to health care occupancies because a condition of certification for a health care occupancy to receive reimbursements from the Medicaid and Medicare programs is compliance with rules of the Fire Marshal.

Iowa Code sections 100.1 and 100.35 provide the State Fire Marshal with broad authority to establish minimum fire safety standards for a variety of occupancies, specifically including churches, theaters, amphitheaters, lodge halls, club rooms, public meeting places, and places of amusement, and generally for "all other buildings or structures in which persons congregate from time to time, whether publicly or privately owned." While various provisions of the rules of the Fire Marshal would apply to all occupancies, including those listed here, there have not been provisions which apply specifically to assembly occupancies. This omission is corrected by the adoption of these rules.

Notice of Intended Action for these rules was published in the Iowa Administrative Bulletin on August 17, 2005, as **ARC 4444B**.

A public hearing on these rules was held on September 9, 2005. Comments were received from the Iowa Propane Gas Association concerning the use of the International Fire Code in jurisdictions which adopt and enforce it locally, in lieu of the rules of the Fire Marshal. In response to these comments, additional language has been added to clarify that requirements for storage, handling, and use of flammable and combustible liquids are covered in 661—Chapter 51 and that the provisions of that chapter apply, even if contradicted by provisions of the International Fire Code. Also, language regarding compliance with local fire ordinances has been changed from requiring that compliance be "certified" to requiring that compliance be "verified" by the local fire department. This change in terminology reflects that local fire departments may not in all cases "certify" compliance, but are required to verify it.

These rules are being Adopted and Filed Emergency After Notice, in order that they may take effect at the earliest possible time, since there are currently no Fire Marshal rules in place specifically for assembly occupancies. Pursuant to Iowa Code section 17A.5(2)"b"(2), the Department finds that the normal effective date of these rules, 35 days after publication, should be waived and these rules made effective November 1, 2005, after filing with the Administrative Rules Coordinator. These rules confer a benefit upon the public by clarifying the fire safety requirements for assembly occupancies and by clarifying fire safety requirements which apply to all occupancies in local jurisdictions which have adopted and enforce the International Fire Code.

These rules will become effective November 1, 2005.

These rules are intended to implement Iowa Code sections 100.1 and 100.35.

The following rules are adopted.

Amend 661—Chapter 5 by adopting the following **new** rules:

**661—5.16(100) Alternate requirements.** With the exception of a health care facility subject to the requirements of 661—Chapter 205, a building or facility shall be deemed to be in compliance with the requirements established in this chapter if all of the following conditions are met:

1. The building or facility is in a local jurisdiction which has adopted a local fire ordinance which adopts by reference the International Fire Code, 2000 edition or 2003 edition, published by the International Code Council, 5203 Leesburg Pike, Suite 600, Falls Church, VA 22041.

2. The local fire ordinance is enforced through a process of review and approval of construction plans for compliance with the local fire ordinance and a process of regular inspections for compliance with the local fire ordinance.

3. The building or facility is subject to regular fire safety inspections.

4. The local jurisdiction has verified, during its most recent inspection, including any follow-up inspections, that the building or facility is in compliance with the local fire ordinance.

NOTE: Provisions regarding the storage, handling, or use of flammable and combustible liquids are not covered by this chapter. Notwithstanding any conflicting provisions contained in the International Fire Code, compliance with the provisions of 661—Chapter 51 is required at any location in which flammable or combustible liquids are stored, handled, or used.

PUBLIC SAFETY DEPARTMENT[661](cont'd)

**661—5.301(100) Assembly occupancies.**

**5.301(1) Definitions.** The following definitions apply to rule 661—5.301(100):

“Assembly occupancy” means a building or facility used for a gathering of 50 or more persons for deliberation, worship, entertainment, eating, drinking, amusement, awaiting transportation, or similar uses; or used as a special amusement building, regardless of occupant load.

“Existing” means a building or facility which has been in continuous operation under its current classification of occupancy since October 31, 2005.

“New” means a building or facility which began continuous operation under its current classification of occupancy on or after November 1, 2005.

“NFPA” means the National Fire Protection Association, Batterymarch Park, Quincy, MA 02269. References to the form “NFPA xx,” where “xx” is a number, refer to the NFPA standard or pamphlet of the corresponding number.

“Special amusement building” means a building that is temporary, permanent, or mobile that contains a device or system that conveys passengers or provides a walkway along, around, or over a course in any direction as a form of amusement arranged so that the egress path is not readily apparent due to visual or audio distractions or an intentionally confounded egress path; or is not readily available due to the mode of conveyance through the building or structure.

**5.301(2) Existing assembly occupancies.** The requirements contained in NFPA 101, Life Safety Code, 2003 edition, Chapter 13, are adopted by reference as the minimum fire safety requirements for existing assembly occupancies.

EXCEPTION: If an existing assembly occupancy is in a local jurisdiction which has adopted a local fire ordinance which requires compliance with the provisions of the International Fire Code, published by the International Code Council, 5203 Leesburg Pike, Suite 600, Falls Church, VA 22041, 2000 edition or 2003 edition, and if the local jurisdiction enforces the local ordinance through reviews of construction plans and regular fire inspections, the existing assembly occupancy shall be deemed to be in compliance with the re-

quirements of this rule if the local jurisdiction verifies that the occupancy is in compliance with the provisions of the local fire ordinance.

NOTE: Provisions regarding the storage, handling, and use of flammable and combustible liquids are not covered by this chapter. Notwithstanding any conflicting provisions contained in the International Fire Code, compliance with the provisions of 661—Chapter 51 is required at any location in which flammable or combustible liquids are stored, handled, or used.

**5.301(3) New assembly occupancies.** The requirements contained in NFPA 101, Life Safety Code, 2003 edition, Chapter 12, are adopted by reference as the minimum fire safety requirements for new assembly occupancies.

EXCEPTION: If a new assembly occupancy is in a local jurisdiction which has adopted a local fire ordinance which requires compliance with the provisions of the International Fire Code, published by the International Code Council, 5203 Leesburg Pike, Suite 600, Falls Church, VA 22041, 2000 edition or 2003 edition, and if the local jurisdiction enforces the local ordinance through reviews of construction plans and regular fire inspections, the existing assembly occupancy shall be deemed to be in compliance with the requirements of this rule if the local jurisdiction verifies that the occupancy is in compliance with the provisions of the local fire ordinance.

NOTE: Provisions regarding the storage, handling, and use of flammable and combustible liquids are not covered by this chapter. Notwithstanding any conflicting provisions contained in the International Fire Code, compliance with the provisions of 661—Chapter 51 is required at any location in which flammable or combustible liquids are stored, handled, or used.

[Filed Emergency After Notice 10/6/05, effective 11/1/05]  
[Published 10/26/05]

EDITOR'S NOTE: For replacement pages for IAC, see IAC Supplement 10/26/05.

**ARC 4587B****ADMINISTRATIVE SERVICES  
DEPARTMENT[11]****Adopted and Filed**

Pursuant to the authority of Iowa Code section 8A.104, the Department of Administrative Services hereby adopts new Chapter 45, "Payroll Deduction for Tuition Program Contributions," Iowa Administrative Code.

The purpose of this chapter is to implement 2005 Iowa Acts, House File 748, signed by the Governor on April 26, 2005. 2005 Iowa Acts, House File 748, establishes for state employees an optional payroll deduction for qualified tuition program contributions when at least 500 state employees request the deduction from the same eligible qualified tuition program. The requests for deduction must be made on forms prescribed by the centralized payroll administrator. The tuition program representative and the centralized payroll administrator shall enter into an agreement delineating each party's rights and responsibilities. Tuition program representatives may meet with employees at the workplace on non-work time to obtain enrollees provided that the program representatives' materials have been approved by the centralized payroll administrator and that the program representatives have received all required permissions from the local facility manager to hold the meeting.

This amendment was previously Adopted and Filed Emergency and published in the July 6, 2005, Iowa Administrative Bulletin as **ARC 4293B**. Notice of Intended Action to solicit comments on this amendment was published simultaneously as **ARC 4292B**. A public hearing was held on July 26, 2005. One person spoke at the hearing against rule 11—45.6(81GA, HF748), which prohibits distribution of literature with state payroll materials soliciting tuition program contribution payroll deductions. Rule 11—45.6(81GA, HF748) has been revised to specify that no materials will be distributed by the state soliciting tuition program contribution payroll deductions. The reason for this change is that multiple providers may wish to participate in the program. Rule 11—45.14(81GA, HF748) has been added to reference the availability of a reinstatement process for a vendor whose participation in this program has been terminated by the Department.

This amendment was adopted by the Department on October 5, 2005.

This amendment shall become effective on November 30, 2005, at which time the Adopted and Filed Emergency amendment is hereby rescinded.

This amendment is intended to implement 2005 Iowa Acts, House File 748.

The following new chapter is adopted.

CHAPTER 45  
PAYROLL DEDUCTION FOR  
TUITION PROGRAM CONTRIBUTIONS

**11—45.1(81GA, HF748) General provisions.** The state of Iowa may grant to a qualified tuition program the right to receive payments from a state officer or employee through payroll deduction upon presentation of a tuition program contribution authorization form signed by the state officer or employee.

**11—45.2(81GA, HF748) Definitions.** For the purpose of this chapter, the following definitions apply.

"Employee" means a permanent employee of the state of Iowa.

"Payroll system" means any one of the following:

1. State of Iowa centralized.
2. Department of transportation.
3. Iowa State University of Science and Technology.
4. State University of Iowa.
5. University of Northern Iowa.
6. Iowa Braille and Sight Saving School.
7. Iowa School for the Deaf.
8. Iowa state fair board.

"Qualified tuition program" means a program which meets the requirements of a qualified tuition program under Section 529 of the Internal Revenue Code.

**11—45.3(81GA, HF748) Tuition program qualifications.** To be eligible to receive contributions from state employees through payroll deductions, a tuition program must meet the requirements of a qualified tuition program under Section 529 of the Internal Revenue Code and must meet the requirements of this rule.

**45.3(1) Minimum number of participating employees.** The qualified tuition program must have and maintain the participation of 500 or more state employees.

**45.3(2) Qualification process.**

a. Written agreement. The qualified tuition program representative must enter into a written agreement with the centralized payroll administrator. The agreement shall delineate each party's rights and responsibilities. At the same time, the qualified tuition program representative must provide a template of the program's enrollment form to the centralized payroll administrator.

b. Forms. Payroll deductions for contributions to a qualified tuition program must be authorized on enrollment forms approved by the centralized payroll administrator.

c. Payroll deduction requests. A state employee must request payroll deduction for tuition program contributions in writing on the approved enrollment form and provide the form to the appointing authority.

d. Participating employee list. A tuition program seeking to be eligible must supply the centralized payroll administrator with a certified list of all state employees for whom tuition contribution payroll deductions are sought. The list of names of employees who have authorized a deduction, in alphabetical order for each affected payroll system, shall also contain each employee's date of birth, employing agency name, work telephone number, and the last four digits of the employee's social security number.

e. Multiple payroll systems. For determining the qualified tuition program's eligibility, a list of employees requesting payroll deduction for contributions to the qualified tuition program shall be provided by the qualified tuition program to the centralized payroll administrator in an acceptable electronic format. The centralized payroll administrator will determine whether the qualified tuition program has attained the minimum 500 participating employees by counting employees from all payroll systems combined. The centralized payroll administrator will notify the other payroll systems of the eligibility determination for a qualified tuition program.

**11—45.4** Reserved.

**11—45.5(81GA, HF748) Deduction limits and frequency.** An authorized deduction must be a minimum of \$1. The frequency of the deductions must be compatible with the affected payroll system. All of an employee's payroll deductions must be made in equal amounts on a monthly basis or be made on a basis compatible with the payroll system. The de-

## ADMINISTRATIVE SERVICES DEPARTMENT[11](cont'd)

duction will be made only for the amount of the tuition contribution and shall not include amounts for any other purpose.

**11—45.6(81GA,HF748) Distribution of literature.** The state of Iowa will not distribute any literature soliciting tuition program contribution deductions or distribute any other materials for a qualified tuition program.

**11—45.7(81GA,HF748) Number of contributions.** Each payroll system must allow each employee the opportunity to make tuition contribution payroll deductions to any combination of qualified tuition programs, up to the limit that has been set by the applicable payroll system.

**11—45.8(81GA,HF748) Cash contributions.** No cash contributions will be accepted or administered through the payroll process or system.

**11—45.9(81GA,HF748) Terminations.** An employee wishing to terminate the deduction shall give 30 days' notice in writing to the department or agency in which the employee works or, in the case of regents institutions, to the officer in charge of the payroll system through which the employee is paid.

**11—45.10(81GA,HF748) Remittance.**

**45.10(1)** The officer in charge of the payroll system must send the monthly payment for the benefit of the employee's account to each eligible qualified tuition program no later than 30 days following the payroll deduction from the wages of the employee.

**45.10(2)** The deduction may be made even though the compensation paid to an employee is reduced to an amount below the minimum prescribed by law. Payment to an employee of compensation less the deduction shall constitute a full discharge of claims and demands for services rendered by the employee during the period covered by the payment.

**45.10(3)** Support documentation is limited to a listing of employees and the amount deducted for each such employee.

**11—45.11(81GA,HF748) Unapproved solicitation prohibited.** Salespersons or agents for the qualified tuition program must follow all applicable rules prohibiting solicitation on state property. The designated program representative may schedule presentations of marketing and informational materials provided that the centralized payroll administrator has given written approval of said materials and provided that applicable rules are followed concerning approval of the date, time, and location of such presentations. Further, use of employees' state E-mail addresses or work addresses to mass distribute marketing materials is prohibited.

**11—45.12(81GA,HF748) Annual review of participating employees.** During September of each year, each participating qualified tuition program must supply the centralized payroll administrator with a certified list, in an acceptable electronic format, of all state employees who have a tuition contribution deduction through any state payroll system. The list must contain the same information as required in 45.3(2)"d" and will be used by the centralized payroll administrator to determine whether the qualified tuition program has 500 employees participating in the program.

The centralized payroll administrator will provide a copy of the certified list for each payroll system to the officer in charge of that payroll system for verification of employee status.

If the minimum qualification is not being maintained, written notification will be provided to the qualified tuition program, giving the qualified tuition program 90 days to meet the minimum qualification. If, at the end of the 90-day

period, the minimum qualification has not been attained, the tuition contribution deduction for all participating employees in that qualified tuition program will be terminated.

**11—45.13(81GA,HF748) Termination of qualified tuition program participation.** If the centralized payroll administrator finds that a qualified tuition program is not complying with the rules in this chapter or the agreement made with the centralized payroll administrator, or if the program is not operating in a manner that the centralized payroll administrator determines to be in the best interest of the state or its employees, the department of administrative services reserves the right to terminate a qualified tuition program's participation in the payroll deduction program.

**11—45.14(81GA,HF748) Reinstatement of company participation.** A qualified tuition program that has been terminated from participation in payroll deduction for tuition contributions may be reinstated when the company has again met program qualifications as set forth in this chapter.

These rules are intended to implement 2005 Iowa Acts, House File 748.

[Filed 10/4/05, effective 11/30/05]

[Published 10/26/05]

EDITOR'S NOTE: For replacement pages for IAC, see IAC Supplement 10/26/05.

## ARC 4602B

### CAPITAL INVESTMENT BOARD, IOWA[123]

#### Adopted and Filed

Pursuant to the authority of Iowa Code section 15E.63, the Iowa Capital Investment Board hereby adopts amendments to Chapter 1, "Iowa Capital Investment Board – Administration," Chapter 2, "Tax Credit for Investments in Qualifying Businesses and Community-Based Seed Capital Funds," and Chapter 3, "Tax Credits for Investments in Venture Capital Funds," Iowa Administrative Code.

Notice of Intended Action was published in IAB Vol. XXVIII; No. 5, p. 288, on August 31, 2005, as **ARC 4476B**.

Items 1, 3, 6 and 9 to 12 change the name referenced in the rules from the "department of revenue and finance" to the "department of revenue."

Item 2 amends rule 123—2.2(15E) to reflect the updated criteria for a community-based seed capital fund and a qualifying business.

Item 4 amends subrule 2.5(2) to state that a community-based seed capital fund cannot invest in the Iowa fund of funds but may invest in an Iowa-based seed capital fund in certain circumstances.

Item 5 amends rule 123—2.6(15E) to provide that tax credits can be issued after June 30, 2005, and to state that an investor in a community-based seed capital fund cannot receive a tax credit for an investment made by the community-based fund in an Iowa-based seed capital fund.

Item 7 amends rule 123—2.9(15E) to provide that a community-based seed capital fund has 48 months to invest at least 33 percent of its invested capital in one or more qualifying businesses.

Item 8 updates an implementation clause.

These amendments are adopted by the Department of Revenue on behalf of the Iowa Capital Investment Board

CAPITAL INVESTMENT BOARD, IOWA[123](cont'd)

pursuant to an Administrative Services Agreement between the Department and the Board.

These amendments are identical to those published under Notice of Intended Action.

These amendments will become effective November 30, 2005, after filing with the Administrative Rules Coordinator and publication in the Iowa Administrative Bulletin.

These amendments are intended to implement Iowa Code sections 15E.43, 15E.44 and 15E.45 as amended by 2005 Iowa Acts, House File 831.

EDITOR'S NOTE: Pursuant to recommendation of the Administrative Rules Review Committee published in the Iowa Administrative Bulletin, September 10, 1986, the text of these amendments [1.4, 2.2, 2.4, 2.5(2), 2.6, 2.8, 2.9, 3.3 to 3.5, 3.7] is being omitted. These amendments are identical to those published under Notice as **ARC 4476B**, IAB 8/31/05.

[Filed 10/7/05, effective 11/30/05]  
[Published 10/26/05]

[For replacement pages for IAC, see IAC Supplement 10/26/05.]

## **ARC 4603B**

### **IOWA FINANCE AUTHORITY[265]**

#### **Adopted and Filed**

Pursuant to the authority of Iowa Code sections 17A.3(1)"b" and 16.5(17), the Iowa Finance Authority hereby adopts new Chapter 25, "Entrepreneurs with Disabilities Program," Iowa Administrative Code.

This amendment adopts a new chapter concerning the Entrepreneurs with Disabilities Program (program) to be oper-

ated by the Authority. Through the program, the Authority seeks to award and administer grants on behalf of applicants to hire consultants to assist the applicants with specialized technical assistance such as workshops, market analyses, marketing plans, and similar technical assistance. This program is designed to provide technical assistance, business development grants, and financial assistance grants to qualified Iowans with disabilities. The rules outline the purpose, application procedure, program guidelines, and other necessary requirements of the program.

These rules do not contain a waiver provision, as the Authority does not intend to grant waivers under this program, other than as may be allowed pursuant to Chapter 18 of the Authority's rules.

Notice of Intended Action was published in the August 31, 2005, Iowa Administrative Bulletin as **ARC 4473B**. The Authority held a public hearing on September 20, 2005, to receive public comments on these rules. The Authority received no comments at the public hearing. These rules are identical to those published under Notice of Intended Action.

The Authority adopted these rules on October 5, 2005.

These rules will become effective on November 30, 2005.

These rules are intended to implement Iowa Code section 16.5(17) and 2005 Iowa Acts, House File 882, division XI, sections 161 and 162.

EDITOR'S NOTE: Pursuant to recommendation of the Administrative Rules Review Committee published in the Iowa Administrative Bulletin, September 10, 1986, the text of these rules [Ch 25] is being omitted. These rules are identical to those published under Notice as **ARC 4473B**, IAB 8/31/05.

[Filed 10/7/05, effective 11/30/05]  
[Published 10/26/05]

[For replacement pages for IAC, see IAC Supplement 10/26/05.]



IN THE NAME AND BY THE AUTHORITY OF THE STATE OF IOWA

**\*EXECUTIVE ORDER NUMBER FORTY-FOUR**

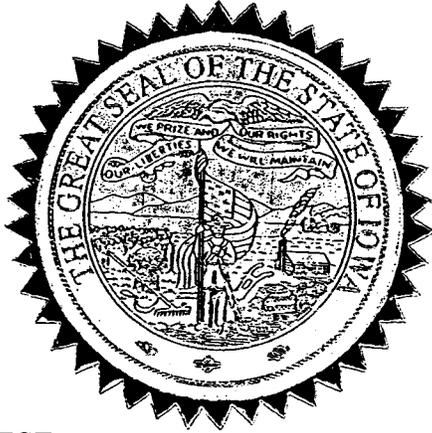
**WHEREAS**, the United States Department of Agriculture, Food and Nutrition Services has issued a national refugee policy and the United States Department of Health and Human Services has issued a declaration of public health emergency both of which concern how states are to respond to individuals displaced as a result of the devastation caused by Hurricane Katrina; and

**WHEREAS**, Iowans this week join people across the nation in feeling an urgent need to reach out to those in Alabama, Florida, Louisiana and Mississippi whose lives have been turned upside down in the wake of Hurricane Katrina. A disaster of this magnitude erases state borders and calls on us all to act as a single community and do what we can to help;

**NOW, THEREFORE, I**, Thomas J. Vilsack, Governor of the State of Iowa, by the authority vested in me by the laws and the Constitution of the State of Iowa, and acting under the disaster emergency powers granted to me under Chapter 29C of the Iowa Code, do hereby order and direct as follows:

- I. The Iowa Department of Human Services shall comply with all directives of the federal government arising out of the declared federal public health emergency insofar as those directives concern public welfare programs administered by the Department of Human Services.
- II. Any person who evacuates from a Hurricane Katrina presidential declared disaster area, to the State of Iowa shall be deemed to be a resident of the State of Iowa for purposes of establishing eligibility for the food stamp, family investment and Medicaid programs, notwithstanding any law or rule to the contrary.

III. The Department of Human Services shall process applications from persons described in the above paragraph in an expedited and flexible manner.



IN TESTIMONY WHEREOF, I have hereunto subscribed my name and caused the Great Seal of the State of Iowa to be affixed. Done at Des Moines this 2nd day of September, in the year of our Lord two thousand five.

  
\_\_\_\_\_  
THOMAS J. VILSACK  
GOVERNOR

ATTEST:

  
Chester J. Culver  
Secretary of State







**IOWA ADMINISTRATIVE BULLETIN**  
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**Department of Administrative Services**  
**Hoover State Office Building, Level A**  
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